Cache la Poudre

The Romance of a
Tenderfoot in the Days of Custer

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The Romance
of a Tenderfoot in the Days
of Custer

"I want to go like the wind" — Page 167

Cache la Poudre

The Romance of a Tenderfoot in the Days of Custer

By

HERBERT MYRICK

Illustrated from Paintings

By

CHARLES SCHREYVOGEL

EDWARD W. DEMING

and

HENRY FANGEL

Also by many photographs and numerous human documents

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Foreword

Fiction and fact to portray real life and action during the formative period of one of the most interesting sections of the west.

The universal language of brush, pencil and camera to illustrate, rather than many words to describe, those exciting times.

Supplementary portraits of persons, and paragraphs of incidents, to throw sidelights upon the feelings, motives and deeds of the men and women of that creative era.

In a word, the drama of life in the new west!

Lee Moorehouse, Photo

Arrangement

PROLOGUE

At Delmonico's the evening before the panic of 1873

PART I — LIFE ON THE PLAINS

Scene One — In the Arroyo
Scene Two — Gladys and Josselyn

PART II — HATE AND LOVE

Scene One — On the Round-Up
Scene Two — Frances
Scene Three — Trial of the Tenderfoot

PART III — MILITARY DEPARTMENT OF DAKOTA

Scene One — On the Trail of the Indians
Scene Two — After the Massacre

EPILOGUE

At Home on the Ranch

ADDENDA

Supplementary portraits and paragraphs

Characters

Jerome B. James, High minded and trustful, employed in office of Jay Gould

Frances Frothingham, A New York society butterfly

William Upcraft, Her uncle, financial prince

Henry Rudolph, False friend of James, an unprincipled broker and man-about-town, in love with Frances, later a frontier desperado

Delia Armstrong, Adventuress, in league with Rudolph to ruin James

Reginald Josselyn, The Tenderfoot

Sanderson, Reformed desperado, respected citizen

Mrs. Sanderson, His old mother — a plain, common person

Gladys Sanderson, His daughter

Osgood Henry, Printer's devil and boy journalist

Buckskin Joe, Prospector and cowboy

Amelia Vandewark, Prettiest girl in the city

Shang & Pew, Dutch butchers

H. Stratton, A cultured pioneer

"Old Faithful," Half breed Indian of the Sanderson ranch

Al Peters, Cowboy and broncho buster

Griswold, A grizzled prospector

Herbert Preston, A young lawyer, district attorney

Abner Loomis, Pioneer cattle king, never phased

Captain Mason, Sheriff of Larimer County

Judge Howes, Who presided at the Tenderfoot's trial

Donald Whiting, The New York lawyer, chief counsel for the Tenderfoot

Running Deer, A Sioux who never forgets an injury

General George A. Custer, Lieutenant-colonel Seventh U. S. cavalry

Ranchers, cowboys, townsmen, teamsters, women, spectators, Indians, soldiers

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The artists have co-operated with interest and unselfish enthusiasm. Charles Schreyvogel, one of the foremost painters of western life, who painted Gladys exclusively for this work, designed the cover. Edward W. Deming, the artist whose Indian and historical work has won such eminence, painted the series of plates especially for this book, besides drawing numerous smaller sketches.

Lee Moorehouse contributed from his work as an interpreter of western life, which reveals new possibilities in the camera. D. F. Barry's portraits of thirty years ago have been freely drawn upon. The cowboy engravings are from photographs by W. G. Walker, unless otherwise stated. The "bad lands" photographs are by F. Jay Haynes. In the absence of a portrait of the late Sheriff Mason, is used a photograph which typifies with remarkable fidelity the frontier sheriff of early days, but which will be recognized by those who know him as Captain John Woodward, a notable Indian fighter.

Some years of the author's boyhood were spent amid the scenes in this book. At intervals during a busy life since that time, he has been collecting unpublished data about western life, much of it from sources inaccessible to others, mainly in connection with his persistent efforts to unravel the enigma of General Custer's fate. That endeavor has resulted in such complete success that Herbert Myrick's next book will be an historical work, entitled: "Custer's Last Ride—A Revelation of the Mysteries of Washita and the Little Big Horn."

Prologue

AT DELMONICO'S
The night before
the panic
of 1873

"I'm a ruined man. And you did it, you smooth villain" — Page 23

HENRY RUDOLPH was in a desperate mood — he always was when he invited Delia Armstrong to dine with him at Delmonico's, and she knew it.

His fortunes had been on a rapid decline, everything he touched in the market seemed to go against him, no one would now join him in speculation, his character could not much longer be disguised from society, he was destined to become a pariah up town as well as down town. To cap the climax of his difficulties, he had only today heard it rumored that Frances Frothingham was engaged to be married to Jerome B. James.

"Why, James is only a boy — a lamb in Jay Gould's[1] office, so innocent he doesn't know the dirty work he is doing," Rudolph complained bitterly to himself.

Frances was the orphan of an aristocratic family. For generations this family had been prominent in the financial and social circles of New York. Wealthy in her own right, the moneys of the Frothingham estate were entrusted to her uncle, William Upcraft, who was as zealous in her guardianship as he was upright in his own dealings.

Rudolph had been sincerely in love with Frances, ere the world had so calloused his heart as to make unworthy the

NOTE 1. For this and all subsequent notes, or explanations, see "Note and Comment" at end of book.

name of love any emotion he might entertain. At first she had seemed to respond, for he was then rich, handsome, refined, but warned by her uncle and realizing that Rudolph's means might be precarious, she had lightly passed him by. Now her engagement was talked of to young James, just as Rudolph had come to see that the Frothingham wealth and the prestige Frances would bring to him as his wife, were among the things needed to fully restore his lost position.

The high living and loose morals of the times following Black Friday[2] and preceding the panic of 1873[3] were the unmaking of Rudolph. His career downward had been hastened by a surreptitious intimacy with the mistress of a well-known Napoleon of finance.

Delia Armstrong, the beautiful daughter of a Connecticut clergyman, chafing over the dullness of her environment like many an ambitious young woman before and since, had been flattered by the Napoleon's[4] attentions during a summer vacation he had spent in the quiet country town. Once her head was turned, the path from virtue glittered enticingly, and ended as usual. Rudolph had been her playmate in their innocent school days, and was shocked when he had first found her in New York, but her private knowledge of what was about to occur in Wall street had often seemed to him invaluable.

Delia, too, was concerned because her master's ardor seemed to be cooling more rapidly than her own charms were fading. She, also, was desperate, and Rudolph knew it.

They had met in one of the private apartments opening into the large dining hall. They talked of trifles, as the soft-footed waiters brought in and removed courses which made dining at Delmonico's so exquisite to the epicure. As they lingered over the wines, she looked him squarely in the eye, and her face hardened as she said, with just a trace of impatience, "Come now, what is it?"

"Well to be frank, my dear Delia," he replied, "we must both do something heroic. My affairs demand it; I judge yours do, too, for I saw him riding again in the park this afternoon with Olivia."

The shot told, for Delia's lips parted as a quick sigh escaped her. Rudolph went on :

" I want you to help me disgrace that young James somehow. If we can bring him down in the eyes of her uncle Upcraft, Frances may turn against him, and this will give me a chance at her again — and I really believe she still cares for me a little," he added, with the egotism of his sex.

" Did you say Upcraft ? " Delia answered quickly, leaning forward, " Bill Upcraft, the man my Nappy hates the worst of any one in the street ? "

" The same," Rudolph answered, wonderingly.

" Isn't he one of the bulls that's been buying Erie like mad ? " she added on the instant.

" Yes, he's loaded with it. They say he put all his own money into it, bought a lot of it for the Frothingham estate —"

" Trust funds ? " she ejaculated.

" Yes, and what's more, the old man is so confident about Erie that he is believed to have departed from his life-time rule and bought heavily on margin besides."

She clapped her hands excitedly. " I have it, I have it. I see it all now," she cried, with exulting intuition.

He failed to comprehend.

" Why, don't you see ? Upcraft puts all the confidence in the world in James. That unsophisticated youth — isn't he just too innocent for anything ?—is employed by Gould, and Jay is working him, without his knowing it, to tip old Upcraft on Erie ? "

" Well, I see that, but I don't see how it's going to help us, with the market soaring and Upcraft likely to clean up a cool hundred thousand any day," Rudolph answered spitefully.

" Oh, don't you see, you poor dear lamb," Delia responded, putting her finger against her nose and winking mysteriously. Then she added :

" You know James and Upcraft, of course. When and where could you see them tonight ? "

"What a question," he said, rising to light a cigar, and opening the door to peep out into the large dining hall. He shut it instantly with feline stealth, turned to her like a flash and whispered:

"I declare if they haven't just come in there to dinner."

"You don't mean it," she exclaimed; then, collecting herself quickly, uttered sentences like bullets:

"Nappy told me this morning it would be the last bull day on 'change. I know he's in league with Gould. There's going to be a big smash tomorrow. It'll be a regular panic. Erie will drop to —"

And she whispered a figure that made his cheek blanch as she almost touched it with her now scarlet face.

"Oh, I see," interrupted Rudolph. "James, thinking he knew all about it, has been advising Upcraft to buy Erie until the old man is so loaded he can't weather the storm. Nappy will be in clover to 'break' his adversary. I'll make Upcraft believe James was the cause of his ruin, and that will complete the boy's downfall. Only you've got to help, and it will make you 'solid' with Nappy, too."

"How, tell me quick," she panted.

They whisper together, excitedly, ere Rudolph departs through the side door.

* * * * * *

Just as Miss Frothingham, Upcraft and James had taken off their wraps and were seating themselves at a large table with four chairs, Rudolph came in from the street, and, apparently surprised to see the party, stopped to greet them.

"Won't you dine right here with us; there's an empty chair," Frances said mischievously, if politely, and Rudolph accepted with alacrity.

This action nettled James, who, after the usual interchange of compliments with their unexpected guest, devoted himself assiduously to Frances, leaving Upcraft and Rudolph to carry on their conversation quite alone. The two men talked in well-bred modulation, as Rudolph

skillfully led up to the subject of the market, and at length casually inquired :

" Erie looks sky-high, doesn't it ? "

" Not a bit of it, sir. That property is in splendid condition. Those of us who know the facts believe it will advance tremendously yet. Buy all you can get the money for, young man," Upcraft assured with convincing earnestness.

An evil look appeared in Rudolph's face as he bent over and whispered in the old gentleman's ear. Upcraft turned pale, the two men leaned forward more closely, getting more and more excited in their talk, until Upcraft, unable to suppress himself, partly rose from the table, thereby attracting the attention of Frances and James, who now looked at him amazed and horror stricken as he said hoarsely :

" It's too late. I'm a ruined man. And you did it, you smooth villain," the old man added, choking with rage and pointing his finger at James.

Utterly bewildered, flushing hotly at the unjust accusation, his temper rapidly getting the better of him, James burst out indignantly :

" What do you mean, sir ? Explain yourself ! "

" I mean that you have duped me, you 'slick' rascal. You have been working for Gould and must have known his plans. You knew Erie was rotten, but you kept urging me on to buy. And I trusted you so. Now I am informed that it is all a bubble. Isn't that so, Mr. Rudolph ? It will be pricked in the morning. My fortune is gone, a large part of your funds are also involved, Frances. All by trusting that thing at your side—he's utterly false," the old man almost shrieked, sinking into his chair.

Frances ran to his aid.

James was too stupefied to speak.

" Can it be true, Mr. Rudolph ? " Frances said entreatingly, turning to him with a revulsion of feeling against James.

" It is all too true, Miss Frothingham. Gould and Nappy have been 'rigging the market' for weeks. A hundred thousand new shares that no one knew about have been issued and sold.[5] Now the

stock is to be pounded twenty points at the very opening tomorrow. No one can tell where it will end."

Rudolph spoke with an intensity that carried conviction.

Frances' face was a study. The emotions of her mind could be seen through it as in a mirror. She believed her uncle, confirmed by Rudolph. Instinctively her first thought was that she too was ruined —she who had never lifted a finger would now be forced to work or starve, her social position irretrievably lost. To one reared from birth to feel that wealth and society were the *ne plus ultra* of existence, it seemed to Frances as though the very well-springs of life itself had been suddenly dried up.

She turned fiercely upon James, and with ironical scorn, questioned :

"Why are *you* still silent ? "

It was too much.

"I decline to speak. I will not remain to be so utterly misjudged and so cruelly insulted," James cried, seizing his hat and coat, and, in hot anger, strode out through what he supposed was the side door to the street.

* * * * * *

The door opened into Delia's private dining room. Having watched the scene through the keyhole, Delia rose to the occasion with consummate art.

"Why, Mr. James, isn't it ? I believe we met at my father's home in Greenwich a few years ago. Don't you remember ? Pray be seated. You seem excited. Take a cup of coffee with me. Perhaps I can help you," she added sympathetically and bewitchingly.

It was done with a charm, a grace, just a tinge of abandon, before which the coolest of men might have succumbed. In the heat of his anger, her manner and sympathy, perfectly attuned to his mood, unconsciously appealed to James with an indefinable power that soon banished his rage.

Delia was still a magnificent creature, in the full maturity of her powers reinforced by ample experience. Yet to engage him in conversation, to induce him to join her at table without arousing his suspicions, to hypnotize him with the subtle charms she knew so well how to employ — all this taxed her fascinations to the utmost and indeed with but partial effect. At last, when he politely filled her glass, before she could drink, a spasm convulsed her.

"Help—air," she gasped, trying to rise, and half fell over upon the chair, disarranging her dress, and upsetting the table with a harsh clatter.

James sprang to her aid, tore open her corsage to relieve her lungs, and partly held her in his arms, in a well meant and wholly innocent effort upon his part to make her position more comfortable.

* * * * * *

It was some time before Mr. Upcraft and Frances could compose themselves after James's sudden departure, but at last the dinner proceeded with dubious formality, for both plied Rudolph with questions. He replied with rare discretion, so that as the service proceeded, they became more than ever poisoned against James.

"And as I was saying," Rudolph continued at last, "the sad feature of these unfortunate incidents is that too often financial trickery is associated with moral degradation."

Just then a crash was heard in the private dining room adjoining, waiters rushed in excitedly, leaving the door wide open. Frances, Upcraft and Rudolph could not fail to take in every detail of the scene.

"But I did not expect we should at once see such positive proof of my statement," Rudolph added, deprecatingly.

"Please call our carriage, Mr. Rudolph," Frances said slowly, her face ashy pale, her eyes still glued to the horrid tableau.

* * * * * *

It is needless to tell here of the panic that did come on the

morrow, or of the destruction it caused to minds and hearts, as well as to reputations and fortunes.

That evening, a person faultlessly dressed, who seemed to have changed suddenly from a happy youth to a man borne down with care, drove to the Upcraft mansion and sent in his card.

"Miss Frothingham is not at home," the footman said icily, returning with the card.

"Neither am I at home any longer in New York," James mumbled to himself as he re-entered the cab.

Jay Gould

PART *One*

Life on the Plains

SCENE *One*

In the Arroyo

"It's so lonesome here"

"It's so lonesome here — all brown and flat" — Page 34

IN THE ARROYO

MOTHER SANDERSON was driving homeward along the old Cherokee trail[6] in the new Bain wagon in which she had taken a load of wheat to the elevator. It had been a long, hard pull, quite like her life for these many years on the Colorado ranch. The two mules were now walking slowly, whisking off the flies with their tails, and flopping first one ear forward, then the other, with that appearance of intelligence so becoming the mulish character.

The trail here wound around the edge of a small bluff in the prairie that flanked a little valley and the dry bed of a stream. There were no trees save a few cottonwoods waving in the distance where the Cache la Poudre[7] crept along its tortuous course. A bunch of sheep were grazing miles away. Here and there, horses and some cattle. For the rest, the unending prairie, now brown and parched, the short buffalo grass thoroughly "cured" as it stood — fine "feed" until spring rains

should start new growth. The stillness of the plains was all-pervading. The sun glared pitilessly, though the air was invigorating.

At its slow progress, the trim wagon barely creaked.

A peculiar sound gradually impressed itself upon Mrs. Sanderson's consciousness. Not sobs, nor yet screams, but a queer sort of moan — less than a man's groan, yet as she came nearer, it seemed the saddest sound that ever reached her ears.

"What on airth mote it be?"

Mrs. Sanderson said to herself, her womanly sympathies aroused. She was too experienced a pioneer to be alarmed. Peering down into the arroyo,[8] she finally caught sight of a pathetic figure.

A boy, clad in working clothes, was lying on the ground, squirming convulsively, tearing up the sparse grass roots with his hands, and uttering those sounds of anguish that had revealed his presence.

Mother Sanderson quietly got out of the wagon, and silently made her way down the bluff. The boy, unaware of her presence, now sat up, wiped his eyes with the bandage on his left hand, and gazed with longing rapture upon a soiled and faded photograph.

"Oh, mother, mother, dear mother, when ever shall I see you ag'in?" he moaned to himself, now more gently, calmer.

Mrs. Sanderson was overcome. The mother instinct asserted

itself. Her old figure, her homely face, blended into one grand sympathy, as she softly stepped forward so that the sun cast her shadow where the lad could see it, and holding out her hands said with simple feeling :

" My pore b'y, what is it ? "

He jumped away, blushing, covered with confusion.

" I didn't know anyone was 'round. I've ben tryin' to get away from ev'rybody. I'm " —

" Ye be homesick, pore lad, I reckon," she replied sympathetically, looking at him with heartfull eyes, her arms still outstretched in motherly entreaty.

Irresistibly, as it were unconsciously drawn, the boy ran to her, she drew him to her breast, he collapsed and almost fainted.[9]

Not since her younger son had died in the same position, years before, had she held a boy in his early teens — that age just before the flush of manhood which appeals so powerfully to the woman in the mother.

She stroked his forehead tenderly with her rough hand. Tears gathered in her eyes.

" What is it, laddie ? Perhaps I can help ye a bit," she whispered feelingly.

" Oh, no, yer can't," he sobbed, but yet nestled more closely.

"I'm, I'm homesick. I want my mother. I want to see the green fields, and the rocks and hills. It's so lonesome here, all brown and flat. Ther' ain't no shore, nor waves, nor ships, nor trees. I can't go swimmin' as I uster in Maine — and I want my sister — and — and — I know I'm just a baby, but I can't help it," and he burst into uncontrollable sobs again.

Mrs. Sanderson, too, cried gently.

"I know jest how ye feel, bobby b'y. Thar, thar, rest aisy and cry all yer likes. Thar ain't no one 'round," she said warily, almost fiercely.

And then she told him of her girlhood home back in Missouri, and how she longed to see it, old as she was, "but I never shall," she sighed, with the pathetic resignation one so often discovers in the emigre.

They were silent for a long time, comforting each other without words. Then the boy sat up. He looked at her and smiled.

"You're somethin' like my mother, only diff'rent," he said in boyish awkwardness.

He put his arms around her neck, kissed her rough cheek, then with unconscious grace helped her to rise.

"Don't yer never tell anyone, will yer?" he said, hesitatingly, as they reached the wagon.

"No, nor ye nyther," she answered, trying to laugh, and picked up the reins.

"Well, I guess not," Osgood smiled back, and turned bravely toward town, whistling to keep up his courage.

Mrs. Sanderson drove along in a dream. *She* did not whistle. As the trail went down a slight decline, she turned around and watched as long as she could see the little figure trudging townward. There was a wondrous light in her eyes, but what a longing at her old heart!

PART *One*

Life on the Plains

SCENE *Two*

Gladys and Josselyn

"Greatest chase for horse thieves in the history of the west"

"Just wait till I get you on the round-up" — Page 62

Gladys and Josselyn

COMING into town [10] over the river road from La Porte, Osgood passed the livery stable, turned the corner by the "old grout," [11] went across the street by A. K. & E. B. Yount's banking house, and soon reached the two-story building that stood by itself about half way between the old town and the new colony — a mute appeal for a coming together of the old life and of the new civilization.

"This spacious structure, the first brick block in northern Colorado, towering toward the skies, entirely the product of local skill and home industry, ushers in a new epoch for this prosperous community," was the way in which the *Standard* began the description of its new home. The printing office occupied the floor over Shang & Pew's meat market; [12] the other part, over the saloon, was left unfinished "until such time as the growing needs of the country require the space," was the published explanation. A stairway between the two stores completed the simple affair.

A snug story-and-a-half cottage, painted white with green blinds, a garden patch in front and some green stuff about it — a bit of New England in the desert; further on, a few false-front, one-story, flat and

peak-roofed shanties, only one of them painted; beyond, the colony's hall with a sign emblazoned "Post Office," in letters that were the pride of the new towners and the abhorrence of the old townites; [13] a few houses scattered here and there along "streets" of ambitious width staked out of the plain; yet further on, the water in an irrigating ditch [14] shining like a band of silver; at the north, a fringe of cottonwoods, and then the wide expanse of prairie, spreading out in long swells in all directions, arrested at last on the west by the foothills, tier on tier, and above and far beyond the snow-capped peaks of the eternal Rockies. Such was the setting for the hopes and joys and fears of as brave and intelligent a people as ever undertook to conquer a new country.

"Hullo, Shang," the boy spoke up loudly, man fashion, as he approached the Dutchman who was standing in the doorway of his market.

"Wie geht's," that worthy replied. "What for you so quick —wait ein minute," he added, as the printer's devil was about to go upstairs to his work, evidently disturbed at having been so long absent.

Just then Partner Pew came out, fat and jolly, his face shining like a new bologna sausage, and said:

"Dat iss right. Sthay mit us."

But the boy went along upstairs, though he soon appeared at the window above. Meanwhile two or three passers-by stopped to gossip, the saloon keeper came out to his doorway.

"How do you like it up dere?" Pew again asked, looking up at the lad.

"Oh, pretty well, but I kinder like the old place too," the boy answered, indicating with his hand the false-front shanty (the first frame structure in the colony) that bore the sign "Standard Office, Book & Job Printing," as it does to this day. "Yer see I ain't ust to this fine bildin' yet. Have to poke my head outer the winder once in a while to get 'wonted.'"

"That's jest it," Al Peters said, a good-natured cowboy, who

had ridden up on his broncho from the postoffice, dismounting in time to hear the boy's remark, and laughing immoderately.

"What yer givin' us?" the youngster snapped back defiantly.

"Guess yer haven't seen the *Express* today, have yer, Osgood?" said Al, still laughing.

"The first frame structure"

"No, but I bet Reddy the Blacksmith will say somethin' decent about us for once an' about this great brick block, just for the good of the town. He ought to give us a column notice at least."

"Can the leopard change his spots? This is a chilly world, my boy," answered Al. Then drawing from his pocket a copy of the *Express*, still damp from the press and exhaling the odor of cheap ink, Peters said:

"Here's what the *Express* says about the *Standard's* new office — three lines, top of column, first page. Now listen, 'twon't take long to read it:

> "'We notice Messrs.
> Shang & Pew have a new sign — a calf's
> head sticking out of an upstairs window!'"

And as he read with great unction, Peters pointed dramatically to the boy above.

The laughter that greeted this sally was long and loud.

"Is that all it says about the *Standard* moving into this brick block?" the boy called down, still incredulous.

"Every dam' bit," Peters replied with a brevity worthy of the occasion. And they all laughed again.

"Guess I'd better get to work," the lad said in a brave tone, but with a wounded heart, as he turned to his case and began setting type.

Photo by Lee Moorehouse

"Al Peters . . . 'hitched' up his 'chaps' and adjusted his embroidered riding gloves"

"Editor McClellan[15] can hit 'em off pretty slick when he's a mind to," commented the saloon keeper, "but why did the kid call him 'Reddy the Blacksmith'?"

"Well, you see Mac is red-headed and the boy thinks he's a

poor printer, so the *Standard* coined that nickname," said a scholarly looking ranchman who had arrived in time to take in the whole scene. "But I do think," Mr. Stratton added, "that Mac keeps a little more than even with the parson-editor of the *Standard*, for last week, referring to the parson's church, the *Express* remarked:

> "'We note with
> pleasure that the congregation at the
> Unitarian church is growing smaller by degrees
> and beautifully less!'"

"Sure that's a side winder," Andy Armstrong, a pugnacious Irishman,[16] burst out, laughing, in which they all joined.

"Wa'al, fact is, preachin' must be pore bizniss in this yer kentry," Al Peters philosophized. "Yer see most of us cowboys, instead of rising to heaven, would rather raise hell!"

"You bet," spoke up Griswold, an old prospector who had joined the group a few minutes before, after tying his burro to the railing provided for the purpose in front of the sidewalk. His patient beast bore the customary prospector's outfit on its packsaddle—a bag of flour, a frying pan and coffee pot, a few miner's tools and a pan for washing gold from sand, and several nondescript parcels that might have been ore samples, or coffee, sugar, baking powder or bacon, and — an old fiddle.

"Be careful, boys, here come the Vandewark girls," cautioned Mr. Stratton, fearing that the conversation might take a broad turn.

Two girls, one about sixteen, a beautiful blonde, the other a brunette of perhaps eighteen, with sparkling eyes, red cheeks and elastic carriage, bespeaking an exuberance of health, now approached, and, bowing modestly to the group, who responded with exaggerated politeness, turned into the market, followed obsequiously by both the marketmen.

"Gosh, ain't they pretty as a spotted mule," Peters said admiringly, under his breath, as the young women disappeared through the doorway.

"You bet," volunteered Griswold, whose vocabulary seemed to be limited to that expression.

"Prettier'n a speckled hen," was the remark of a bystander not previously heard from.

"More women in these parts than there used to be," Mr. Stratton went on to say. "When I came out in '67, Aunty Stone[20] was the only white woman in the Fort and my wife was the second. The officers used to give a dance occasionally to which people would come forty miles or more. Two nice girls, chaperoned by a married lady, came up from Denver to a dance and liked it so well they stayed four weeks (with only such change of raiment as wife or Aunty Stone could spare), and before their return were engaged to be married to two young officers. Oh, those were the good old times."

While this reminiscing was under way, Osgood, who had come downstairs carrying two water pails, seating himself on the doorstep, slowly removed the bandage from his left hand, exposing an ugly wound that was almost healed, upon which he was carefully pouring a little water, as the young ladies came out of the market.

"Oh, good evening, Osgood, how's your hand today?" Amelia asked, while the other looked on sympathetically and inquired:

"Just how did you do it?"

"Why, it was two weeks ago. I was cleanin' up our old Washington printin' press, my hand was against ther upright, so (illustrating), when the pressman, not noticin', slapped the bed against it kerwhack, so. Almost tore out two fingers. Ther wa'n't no doctor 'round, but Dad yanked them fingers into place, splinted a shingle onto each side, and made me keep my han' in er pail uf water two weeks. He had to fetch ther water, too," the boy added.[21]

The girls expressed their concern in the feminine way that has been balm to many an injured boy and man before and since, and passed on, while Andy closely inspected the hand and pronounced the cure "a better job'n half the doctors o' Denver could hev done!"

"Those are two fine girls," Mr. Stratton spoke up, indicating with his eyes the two young ladies, who were now out of earshot.

" But it's nothing against them to say I think Gladys Sanderson is the handsomest girl in Larimer county ! "

" You bet," enthusiastically roared old Griswold, now beginning to feel the effects of several potations at the bar.

" You're right, pardner," said Peters, " and every cowboy knows it, too. But we fellers ain't got no chanst thar since that Tenderfoot [22] showed up. I jest believe Gladys is ' gone ' on him. He's the kind of a cuss the wimmen tie to anyhow."

" It bates all how auld mon Sanderson sames to hate the feller," Andy suggested. " It'll go bad for the Tenderfoot if the auld mon raly gits down on 'im 'ard. None of us old settlers want Sanderson for an enemy. We know 'im of old."

" And it isn't healthy to speak much about his past or that of some others of our first citizens," was boldly but cautiously remarked by a young lawyer, Herbert Preston. " It is no secret that he used to be a terrible drinker, couldn't control his temper when intoxicated, and used to vent it on his women folks. Guess that was what killed his wife so soon after Gladys was born. She's grown up out there at the ranch as free as the air she breathes, though grandmother Sanderson always took good care of her. The old lady once confided to me that she felt safe as long as Sanderson kept sober, as he has for many years, but if he ever goes on a ' tare ' again she's afraid he will kill both Gladys and herself. Yet he is mighty good and kind to them when he's all right, and loves Gladys more than life. He hopes to see her marry way up in society."

The effect of this speech was peculiar. Each member of the group acted as though hardly daring to pursue the subject, yet intensely interested. Looking around cautiously, Mr. Stratton said :

" Well, to be frank, I'm afraid there's going to be trouble out at Sanderson's. You know the old man and Josselyn, his tenderfoot cowboy, have just got back from that chase for horse thieves. It was a great feat, and some of his old cronies are trying to get Sanderson to ' celebrate ' with an old-fashioned debauch at the ' Red Indian,' " pointing to a disreputable appearing saloon in the distance. " If he does,

I wouldn't give much for the lives of Josselyn or those women on the ranch. Sanderson hasn't been right since his return, and seems to hate the Tenderfoot worse than ever, although the boy has proved himself more than a match for the old man in endurance and tenacity."

Al Peters now spoke up with earnest sincerity :

" That Tenderfoot over to the Cache la Poudre ranch ain't no 'maverick.' * He's got a name that fits a woman — Reginald Josselyn — better than it does a cowboy, and parts his hair in the middle, but by gad he's a gentleman ! He can ride any broncho and rope any steer that stands on four legs.

" He ain't no blamed fool either. Why, in the blizzard last winter — worst we've had since Mariana [23] settled up this country — some of the old cowboys got lost and froze to death. But Josselyn bunched his cattle up clost in the corner of that new fence on Lone Tree Crick, killed a cow that was in ther center of the bunch, ripped her open, pulled out her guts, and crawled inside. The carcass, and ther warmth of the cattle pressing against it, kept him alive." [24]

" You bet," admiringly ejaculated Griswold.

" I 'spose he'll allus be called the Tenderfoot, somehow he's so ladylike, and citified, too," continued Peters, " but didn't he prove himself a plainsman, though, in chasing them hoss thieves ? "

" Tell us about it," said Osgood, coming back with two pailfuls of water from the ditch that served not only to irrigate the land but as a source of water for household purposes. " He only got back last week, we had the story in the *Standard* yesterday, but p'raps you can tell us somethin' new about it."

" Go ahead, Al," they all cried.

" Yer know old Sanderson took his fambly up into North Park

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* " Maverick " is sometimes applied derisively to a person, indicating that he is not competent to take care of himself, but should still be fostered at home. Ordinarily, it means a calf or older animal without any brand, which is appropriated by the owner of the range where found, or is sold for the benefit of the round-up. The term may also be applied to something dishonestly got, as " he mavericked that piece of land." " To be mavericked," in the sense used in the song on page 92, is to be cared for lovingly as a mother cares for her child, or, more coarsely, as the dam cares for her calf. The word is an unique addition to the language.

in August for a sort of picinic, leavin' Josselyn in charge of the ranch with a couple of 'greasers'[25] to help 'im. Very nex' mornin' ther Tenderfoot discivers them greasers had lit out with ther Arab mare and bay filly, jest the two beasts old Sanderson loves mor'n anything in this yer world, 'cept Gladys. Wa'll, Josselyn acts quicker'n lightnin'. Writes a note, sticks it in dog's collar, sends dog on trail up to Sanderson's camp, and gives the alarm all up and down ther valley.

"Cur'us how fast news of a hoss stealin' will travel! There ain't no hoss thief slick enough to leave no trace, for ranchers watch strange hosses an' onusual men jest as sailors observe a ship at sea.

Mr. Stratton, "the scholarly looking ranchman"

"Wa'll, Sanderson comes ridin' down from ther mountains, with a face on him like Grant's before Vicksburg. Josselyn is ready and insists on goin', and they start out after them hoss thieves. Ther first warmth they git to ther trail is way out on the Three Buttes. They follers it down the Platte into Nebrasky, turns on ther trail up the Arickaree, follers it down La Junta way, and over into New Mexico."

"Sanderson's getting a tough lot of cowboys" — Page 51

While Peters had been talking, he unconsciously "hitched" up his quite imposing "chaps" and adjusted his embroidered riding gloves, for he possessed rather more vanity than the average cowboy. But he continued :

"How them two fellers could trace that outfit acrost ther bad lands of that greaser kentry beats me, but they kep at it until they com to whar the thieves had forded ther Rio Grandee only the day before. Old Sanderson wa'n't no man to stop at no bound'ry line, but pushes right along day an' night.

"Now them theefs must hav thot they was all right, being over ther line, and not knowin' their pursuers was so clost, fur they built a camp fire to warm theirselves by at night. It was moonlight, and ther smoke risin' in the still air was as good a guide to their camp as a lighthouse is to a sailor. The fust thing them theefs know'd, was that they was woke up to look into two Winchesters."

"That's the way we heard it," said Osgood, "but how about the return?"

"Of course them fellers know'd that they wud be strung up at ther furst settlement they kem to on their way back.[26] Their han's was tied behin' and they rode ahead, but seein' one of them windin' arroyas in which it is so easy to lose sight of a steer, they started up their hosses and tried to git away. Josselyn plunked one of 'em thru ther head, but Sanderson missed his man, who wud hev got away if Josselyn hedn't put a bullet through him lengthwise as he was leanin' over ther hoss. They caught the hosses, dumped the corpses off and left 'em to the buzzards, and then rode home as straight and quick as they could."

"Yes, over a thousand miles they followed those thieves," remarked Mr. Stratton. "*The Rocky Mountain News* was right in calling it the 'greatest chase for horse thieves in the history of the west.' But I imagine Sanderson felt awfully to miss his aim. It's the first time he ever failed to kill a man he had the drop on."

The conversation then turned upon the number of cattle and horses Sanderson was reputed to have, and Peters remarked:

"He must hev 5000 head of his own. Abner Loomis hez 4000 and Sanderson beats him. Yer know all them big stockmen hez been plannin' to make the round-up next week the biggest thing ever seed in these parts. It's to start at Carwyle's on ther Little Thompson, they's to choose ther own officers, ther commissioners ain't no part in it, an' there will be rough times out thar."

"Yes, the cowboys will be a law to themselves sure," responded Mr. Stratton. "I hear Sanderson's getting a tough lot of them to work for him. Wonder if it means mischief for Josselyn. I guess it will be the last big round-up this country will see. The valley is settling up fast now. My place out on the bluff proves that this prairie only needs water to make it blossom like the rose, and the range cattle business must give way to intensive farming."[27]

"If the Indians don't interfere," Osgood interjected.

"You won't see any more Indians in these parts. We had a bad scare in '68 when the folks skipped out for Denver on an instant's

notice, the women not even stopping for bonnets. But these Indians around here are all right. The Indian women have married our old ranchers, and the bucks have settled down. Why, there's Old Faithful [pointing to an Indian riding gravely by on his pony], the half breed from the Cache la Poudre ranch. I'd trust him anywhere. He usually shows up when the old man or Gladys is coming to town. He takes great care of that girl. She saved his life once at the risk of her own, and an Indian never forgets."

"Lots of them pesky Soos [Sioux] up Black Hills way," now spoke Griswold, who, though by this time tolerably drunk, always had his wits about him. So long a sentence from the man of two words quite turned attention to the region referred to. An animated discussion followed as to the probabilities of the Sioux being removed and the Black Hills country opened up for prospecting or settlement. Griswold was at home on these subjects, and said:

"You bet Buckskin Joe and his pardner will strike it rich if they ever git there alive. I know there's barrels of gold in Deadwood gulch, but I bet Joe's outfit will be scalped by them Soos, same as everybody has been who's tried it."

Shang now came out of the market dressed in his Sunday best. He was a thing of beauty and a joy forever, with a swell shirt front, a gaudy red necktie, his coat on his arm, a clean shave and with a luster to his jolly face that matched the shine on his shoes.

"Goin' to see yer gal, Shang, I reckon," said an individual accompanied by several thin and mangy dogs as poor and unthrifty in appearance as himself — "Col." Sartor from Alabama, a rare type in this thrifty community.

All manner of fun was being poked at Shang, until Pew suddenly turned to the boy who was still sitting on the doorstep with his pails of water, and said:

"Osgood, I'll give yer zwei bits to trow dat pail of water on Shang's 'biled shirt.'"

No sooner said than done!

With a laughing oath, the amazed Shang, now wet and bedrag-

gled, jumped for the boy, stuck him head first in the other pail of water, which was tipped over, and then rolled him into the pool. How they all roared, as the boy picked himself up, collected his two bits and went off again toward the ditch to replenish his pails.

Col. Sartor and his dogs also passed on, and looking after them, Mr. Stratton, speaking oracularly, like the thrifty farmer he was, remarked:

"A poor man for dogs, a rich man for hogs."

Mr. Pew was moved to say: "You've got to go to Bill Eaton's down to Greeley,[28] to find fat hogs — he feeds 'em well." To which Mr. Stratton added, philosophically:

"Old Faithful riding gravely by"

"A fat pig never squeals around a lean corn crib."

"There don't seem to be many grasshoppers flying today," a ranchman suggested, looking skyward anxiously, to see if he could detect them against the sun. "It's just awful the way they've been flying lately. The clouds of locusts were so thick yesterday they fairly obscured the sun. Over on Box Elder, the grasshoppers ate off the wheat heads on several ranches in less than two hours. I tell you it's tough. Why, up the valley a piece, the 'hoppers have simply cleaned out everything, and to keep from starving, people were reduced to eating the grasshoppers. Now they're letting the chickens feed on the 'hoppers, and they're eating the chickens."

"Let's hope the 'hoppers won't be such a plague as they were last year," said Mr. Stratton. "Why, they ate every living thing, would be two or three inches deep on the sunny side ot your house. The heat of their bodies and the stink made it almost impossible to sleep those hot nights. Down at Greeley the people were compelled to dry the locusts and grind them into meal from which to make bread."

Just then Osgood, with his pails full of water, came rushing back, greatly excited, and cried out:

"Buckskin Joe is almost here, I saw his broncho out on the prairie. He's alone!"

This statement created a sensation. It quickly became known throughout the little community. By the time Joe rode into town, quite a crowd had gathered in front of the *Standard* office to welcome him.

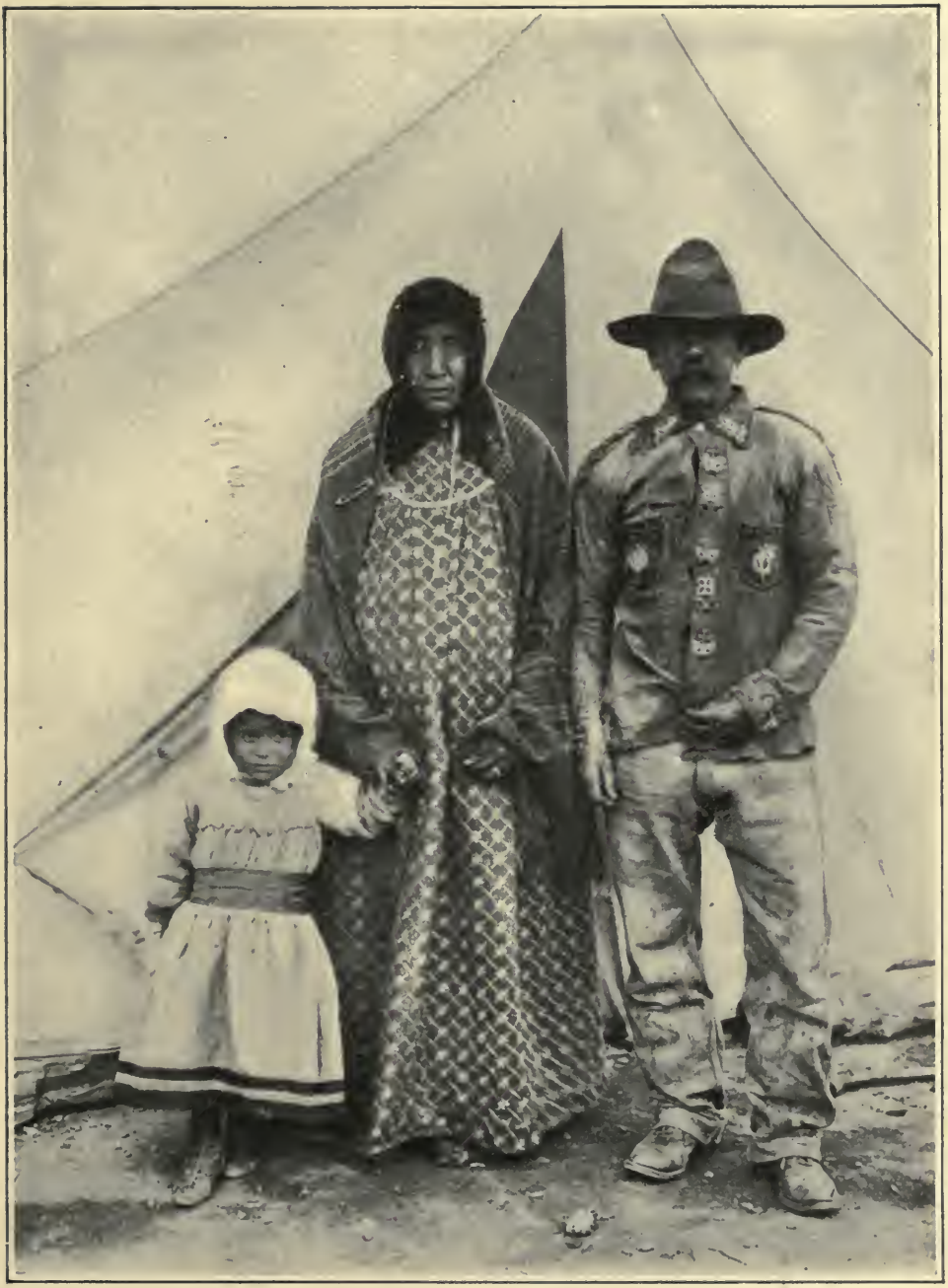
Both horse and rider showed evidences of rough treatment. Joe's usually immaculate suit of buckskin was worn to a frazzle, he was himself reduced almost to a skeleton, his customarily smooth face covered with a shaggy, unkempt beard, but the glow of victory was in his eye and mastery in his demeanor as he gracefully dismounted from the famous buckskin-colored broncho from which he derived his title.

"Where yer bin? Did yer strike it? Where's Hutchins?" and a lot more questions were fired at him by the excited crowd who pressed around him.

"Take somethin', boys," was his reply, stepping up to the bar. A second invitation was not necessary.

"Never mind the change," said Joe, as he paid the barkeeper with a bit of gold dust that he emptied on the bar from a small bag he had taken from his pocket.

The men were at first too astonished to speak, as they gazed at the gold dust and realized that there must be plenty more where it came from. The change that came over their faces was a study. The light of friendship in their eyes changed to the glitter of lust for



Lee Moorehouse, Photo

"The Indian women have married our old ranchers" — Page 52

gold. The dullest intellect became keen. Activity of thought, readiness for motion, was the characteristic of every attitude, as they plied Joe with questions.

"Black Hills, Deadwood gulch. Lots of it there," he replied with his usual economy of language.

"Where's Fred Hutchins?"

"Indians. Ambush. Wounded Fred. Died afterward. But they suffered for it."

He threw open his buckskin coat, revealing three dried scalps suspended from his belt by their long black hair.

The news spread like wildfire. Soon all was excitement. Although it was evening, some hurried home, hitched their mules into the farm wagon, or perhaps the old emigrant wagon in which they had arrived at the fort, bundled in their outfits, and before midnight had started on the long journey (nearly 300 miles) to the Black Hills — the fabled land of gold, the real land of Indians. Some men took their women and children along, with less ado than the easterner makes in taking his family a couple of miles to town.

Catching the full import of the situation, Osgood said to Mr. Stratton: "I'm going to get Dad to go with the rush, and start ther first paper in the Black Hills," and he disappeared upstairs. The crowd meanwhile was coming and going, the drinking became heavier as the excitement increased, until several cried out:

"Here comes Sanderson!"

A man of about sixty years walked up, with the mien of one unruffled by surprises or dangers. He was short and spare, with a dark beard, fierce eyes, cruel mouth — altogether a face that was a study for an artist. It was furrowed deeply with lines of care, and still showed traces of the dissipation of earlier life, while bronzed and

roughened by forty years' exposure on the frontier. He was greeted with deference by the crowd, and though unmoved by the news of the gold strike, flushed with pride as one man sang out:

"Let's drink to the hero of the greatest chase for horse thieves in the history of the west."

As the glasses tinkled, Buckskin Joe's voice could be heard, "Set 'em up again," for he was still paying for the drinks of all who would join in the carousal. "Come in and join us, Sanderson," Joe's voice now called in insistent tones, and the rancher was led and pushed in to the beginning of his fate.

Osgood came down the stairs just then, with a dejected air, and complained to Mr. Stratton: "Dad won't go. He said he couldn't leave town unless he paid ther mortgage on our outfit, for which old Yount is stickin' us three per cent a month.[29] I told him ther mortgage will be no good as soon as we got over ther line into Wyomin', an' that as ther sheriff and all his deputies was joinin' ther rush, ther wa'n't nobody to enforce the law anyhow, that our subscribers was all goin', an' every darn one of 'em owes us for ther paper. Then he said he wasn't able to buy a team, but I told him neighbor Loomis would let us have a team and grubstake[30] us for half our first year's profits (me and his daughter is kinder sweet on each other). Then Dad ast a lot about Indians, an' then he says, says he, feelin' of his head, 'Well, sonny, even if we could go, I wouldn't, 'cause I've got too much regard for my own scalp, if you haven't for yours.'"

"A mighty sensible decision, young man," answered Mr. Stratton, energetically.

Meanwhile the noise in the saloon was becoming greater, and Sanderson's oaths could now be heard as he drank more and more

deeply. As the turmoil increased, a new sensation added fuel to the excitement, for hoof beats were heard up the street, and a dashing young woman brought her horse to his haunches as she recognized Mr. Stratton and inquired:

"Is father here?"

Gladys was at first undecided. She let her horse cavort while she was thinking, for she rode like a centaur. A wild, passionate nature, with sparkling eyes, long dark hair and a form that would have put Venus to shame, untamed and uneducated in books, Gladys was every inch a lady and shrank from pushing her way into the throng. Apparently she was waiting for someone, and soon old Mother Sanderson came walking down the street with the gait peculiar to a woman whose life is spent largely in the saddle.

Gladys dismounted, as a dozen young men offered her assistance, and stood there talking with Mother Sanderson, still undecided. At this juncture, Al Peters, who had disappeared after telling his story, came rushing up to the crowd, and not noticing the presence of Mother Sanderson and Gladys, inquired loudly and anxiously:

"Where's the women? Josselyn has heard the old man is going on a tare and wants to get them safely home. Here, he's coming now," pointing to a cloud of dust down the road that soon revealed a horse and rider.

"Hooray, here comes the Tenderfoot!" a small boy shouted out, as Josselyn rode up a moment later, with a natural flourish that provoked cheers from a few and that excited the admiration or envy of the others.

The new arrival was the most remarkable character of them all. About twenty-two years old, he was tall and fair, with a boyish (almost girlish) face, in spite of the sunburn of two seasons on a Colorado ranch. His clear blue eye was at once strong as steel and tender as the heart of a woman in love. There was still a certain weakness or unsophisticated appearance about him, but the mouth was firm, nor could the rough life of the plains conceal the natural grace of person and charm of manner that had so endeared Josselyn to many

D. F. Barry, Photo

Buckskin Joe "and the famous buckskin-colored broncho from which he derived his title"

a woman, while at the same time it made him despised by many of the cowboys and hated by Sanderson.

"Oh, I'm so glad to find you here," Josselyn said anxiously, as he approached Gladys, after having hitched his horse. "I was afraid you might be in trouble. Come, Mother Sanderson," he said, taking her old hand gently but forcefully in his, "I wish you and Gladys would go right home with Old Faithful here."

And he looked at Gladys in a way that thrilled her heart, as he put his other arm around her, and in brotherly fashion urged: "Come, won't you go along too?"

At this moment Sanderson came to the saloon door, took in the situation at a glance, and instantly imputed to Josselyn's attitude a meaning that was furthest from the young man's thought.

"What are you doing with my daughter, you damned Tenderfoot!" Sanderson cried, fumbling excitedly for his shooting irons, as he rushed toward the boy. Realizing the man's irresponsible and dangerous condition, without hesitating a moment, Josselyn ran up to him, knocked the revolver from his hand, and in the tussle that followed, threw the old man to the ground and deftly bound his hands with horse hair cord (hackamore) that serves the double purpose of a band for a sombrero and halter for one's horse.

"Sorry to do it, Mr. Sanderson, but you've got to stay fastened until you're sobered off," Josselyn said, out of breath, tying Sanderson's feet with the lariat he snatched from the Indian's hand, and with it also pinioning the man's legs and arms.

If ever there was a fiend incarnate, it was Sanderson as he found himself thus disgraced before the whole community, and especially before his family. His oaths and threats were blood curdling, as he writhed in fury.

"Come, Josselyn, skip out with the boys for the Black Hills, your life won't be worth a nickle here after he gets loose again," Mr. Stratton whispered.

"That's it, come with us, Josselyn," some of the others cried. "Everybody's going, even Hocker's loading a 'schooner' with his drug

store outfit.[31] There won't be men enough left in Collins by tomorrow to handle a round-up. And gold? Deadwood gulch is paved with it."

The infection of the rush, of the lust for the yellow metal, was contagious.

"All right, I'll go!" shouted Josselyn recklessly, as he turned to his horse, oblivious to everything except the fever for gold that had so suddenly overmastered him.

But Mother Sanderson caught him by the coat, and with wonderful feeling said:

"I reckon yer kain't leave us now."

"Why, I'll be back in a little while — rich, too," Josselyn answered, again turning to his horse, still beside himself with that peculiar psychological frenzy which so often impels men to leave God and love and all in the mad rush for gold.

Gladys now broke in, with a voice in which terror and love vied with each other in overcoming maidenly reserve:

"Oh, don't leave us. He will surely kill us if you do. Remember you promised grandma to stay on the ranch another year."

"What can I be thinking of?" Josselyn said, half to himself, reason and judgment again reasserting their sway. "Of course I'll stay and take care of you, little sister, and you too, grandma," Josselyn said earnestly, putting one arm protectingly around the old woman, the other about Gladys, tenderly yet manfully.

She seemed to shrink from him, for though pleased with his brotherly endearment, her impulsive nature craved rather the embrace of a lover.

Sanderson now renewed his imprecations, concluding with the threat:

"Just wait till I get you on the round-up!"

Whereat Gladys impulsively drew close to Josselyn again, with an emotion that anyone but he could have understood.

"And I'll stay too," cried Al Peters, turning his back on the gold seekers as he stepped to Josselyn's side, with an air that said

K. C. Atwood, Engraver Lee Moorehouse, Photo

"The Tenderfoot"

more eloquently than words, "you will need a friend, and here is your man."

But the other cowboys looked on coldly, both because they feared Sanderson, and had no love for the Tenderfoot.

During the melee, Buckskin Joe had been a silent observer from the saloon door. The light from within brought out his figure with fine effect. Many women, hearing of the excitement, had joined the throng, among them the Vandewark girls.

"Oh, isn't he great," Amelia remarked admiringly as they turned to go home.

"Who? The Tenderfoot?" her sister asked.

"No, Buckskin Joe," Amelia confessed, softly. The darkness hid her blushes.

PART *Two*

Hate and Love

SCENE *One*

On the Round-Up

"It was a thrilling scene" — Page 96

W. G. Walker, Photo

General view of the round-up

W. G. Walker, Photo

"Ginning." Each bunch of cattle is kept intact while straggling animals are being brought into it, or the cowboys are getting ready to "cut out" the cattle they want

Rounding 'em up

Cutting out

One of the horse herds

Bringing up the horse cavoy

Roping a steer to inspect brand

Throwing the steer

W. G. Walker, Photo

Inspecting the brand

Dragging calf from herd

Branding the calf

Bunch of trail cattle

Shoeing a broncho

Groups of cowboys

Facing the camera

Ready for business

Cow puncher's camp

Cooking supper

The mess wagon

Supper on the round-up

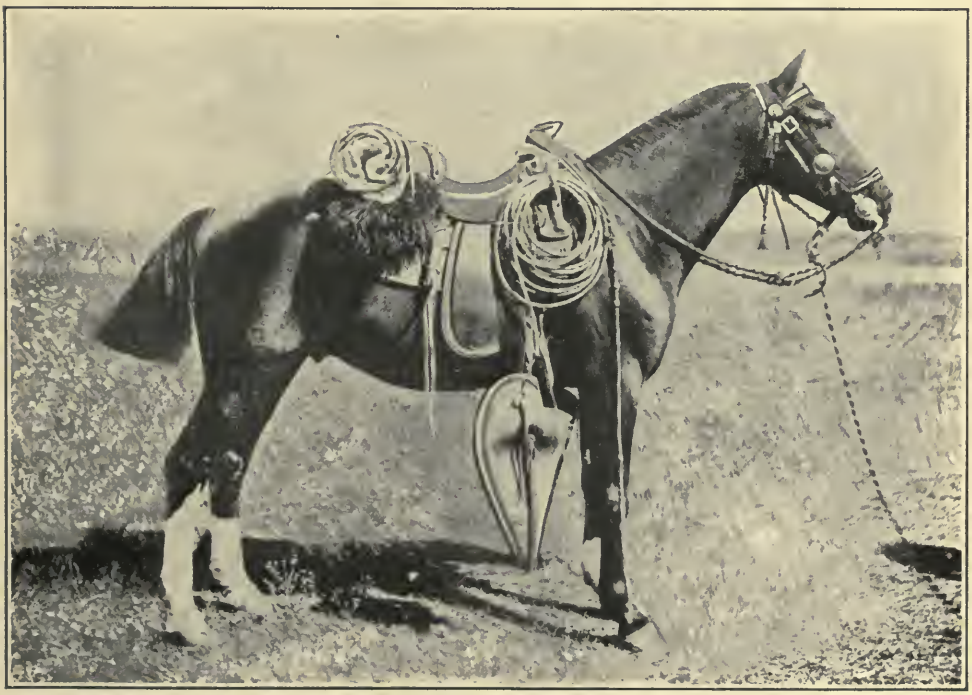
After supper

A bull fight on the plains

W. G. Walker, Photo

Riding a yearling

Tired cow ponies at rest



Cow pony equipped for the round-up

Bucking bronchos

Bucking bronchos

W. G. Walker, Photo

"Concluded the day's activity with a mad race"

On the Round Up

THE fourth day of the big round-up[32] had been a hard one for the cowboys. They had started in by gathering at the Carwyle ranch on the Little Thompson all the cattle in the surrounding country, but the first day's total did not make much of a bunch. On Wednesday, the numbers had increased, and after the various ranchmen had cut out from the herd the cattle bearing their own brands, there remained quite a bunch of mavericks, unclaimed brands and unbranded stock.

This extensive "caveyard" had been driven over to the first dry creek north of the Big Thompson on the Collins road, and had been largely augmented by the left-overs from the round-up of the two intervening days. Some of the ranchmen had not had time to drive off to their ranges their own bunches of stock, and the "cutting out" had not been finished at Friday's close.

Yet Josselyn seemed as tireless as his broncho, in spite of having been in the saddle almost constantly fifteen hours a day for nearly a week. He was at home with his horse, and could "cut out" a steer from the angry herd with the fearlessness and *sang froid* of a veteran of the plains, yet with far more grace.

His horse was wonderfully intelligent, and as soon as the animal to be cut out was selected, the horse would gallop for it until he could lay his nose against the steer's rump, and keep it there until the frightened creature was driven into its owner's private bunch of cattle some distance away.

The ease with which Josselyn carried off his work, and the poetry of motion expressed by every movement of horse and rider, made the other cowboys rather envious of the Tenderfoot, as they still persisted in calling him, partly also, because of the unconscious charm with which his cowboy suit became him.

Sanderson had realized this situation from the first. He had fostered the spirit of envy against Josselyn, while his cowboys had increasingly forced the Tenderfoot into the most dangerous places, the hardest rides and the longest hours. Not only did Josselyn hold his own with the toughest of them, but by refusing to join them in drinking, had still further increased their ill-will.

While waiting for supper, the cowboys had regaled themselves with tests of endurance and horsemanship in riding bucking bronchos. In spite of the most sudden pitching, wrenching, gyrating, dancing and jumping of the horses, none of the riders had been thrown or even forced to " touch leather " — that is, to hold on. For a variation, one of the boys then rode a yearling steer — amid the uproarious applause of his fellows. Just as an appetizer, the men concluded the day's activities with a mad race, in which the rushing speed of the horses was well matched by the enthusiastic whoops of their cowboy riders.

After supper, care-free for a time, their day's work done, the cowboys were lounging about, while a few of the younger ones were having the evening frolic that is so dear to the plainsman's heart. Some were busy tying mysterious knots in lariats, others were repairing saddles, polishing bridles or spurs, all were either smoking, drinking or chewing. One fellow was braiding horse hairs of various colors into a hackamore with wonderfully artistic effect. The cowboys' stories, language and gestures were picturesque in the extreme, too

much so to be literally described here. But while rough almost to savagery, the men were a fine set of fellows with a code of honor that only needs to be known to be appreciated. Their regard for pure womanhood amounts to reverence. To this day, a woman is safer among cowboys than with any other class of men.

"Eaten so much you can't stand, Bud?" said one of the boys to a big chap as, unawares, he tripped him to the ground. Bud picked himself up and tackled the fellow in a wrestle that was a sight to behold.

"Did yer h'ar about Happy Dick and them English lords up to ther hotel in Collins last week?" spoke up another. "Ther Englishmen rides up to ther hotel, sees Dick and orders him, as though he was a nigger: 'H'ar, b'y, tak' me hoss.' 'Go to hell,' answers Dick, as mild as ken be. 'Most extraordinary servants they do hev to wait on gentlemen,' says one Englishman to t'other. 'Don't see no gentlemen,' says Dick. And then ther way he lit into them — gosh!"

How the cowboys did laugh at this, for nothing pleases them better than to take the starch out of an "aristocrat."

"Speaking uf mules," now put in old Want-To — so named because of a peculiarity of speech that made him pronounce those words, "Want-t-t-to," with an oddly distinct emphasis on the two T's — "I was teamin' onct with eight pa'r uf big mules, when my wagon got stuck. Team couldn't budge, nohow. A little ways back I had pas't ther camp of a feller from Missura, an' noticed he had a slick little pa'r o' mules, so I went back an' ast him to help me out.

"'I reckon I kin,' says he, drawlin' like, an' hitched up an' kom alon' about as moderate as he talked. When we uns reached my team, his mules looked like rabbits 'side o' mine.

"'Ef your mules is good to leed,' says I, 'hitch on in front thar and p'raps we kin start her.'

"'Look y'ar, stranger,' says he, ez drawlly ez ever, 'I reckon my team kin pull out yer wagon, but I'm a leetle doubtful if they'll pull out eight pa'r of mules besides!'"

A roar of laughter greeted the remark, and one of the boys said :

" Wa'll, what did you do, Want-To ? "

" Dew, you —— fool, I don' as I was tol' — took off ther whole sixteen mules. The Missourian slowly hitched on his team — they looked like mice against ther big wagon. Then he picks up ther reins in his lef' han', grabs his blacksnake in ther right — all moderate like. But of a suddint he wakes up like a million engines, jerks ther reins, wraps ther whip around both mules at one blow, and yells 'Git up' with a string of swar words after it — ther longest and strongest and handsomest cussin' I ever heer'd — oh, it was bewtiful."

" What did the mules do ? " interrupted a rather fresh boy.

" Dew ? " again replied Want-To with withering scorn. " What in hell could they dew with that infernal cussin' behind 'em ? Why, they jest got right down on theyre bellies an' *clum*', that's what they don' — an' brought ther whole outfit arter 'em, too ! "

" Them mules was *educated*," sagely commented " Polly Ann," a lean, tall, cadaverous, freckled-faced and red-headed individual — of the male persuasion in spite of his feminine appellation.

" An' so was their driver," added Osgood — the little chap had got off onto the round-up somehow and was making the most of the experience. " When I was a kid," he continued — " How long ago was that, old man ? " the cowboys laughingly interrupted — " I started to drive a four-mule team an' heavily loaded wagon from Collins up Clear Creek canyon to Central City. I hed never driven mules much, but hed an ol' teamster on the for'red team. All went well until we come to a bluff about so steep" [indicating with his hand almost perpendicularly]. " The ol' man was jest disappeerin' over ther top when my mules stopped, about two-thirds up ther bluff. Ther brake wouldn't hold, ther mules began to slide backwards. I know'd that two seconds more would see us all in Kingdom Come if somethin' wa'n't done. So I hollers to the ol' man : 'Hi, there, what shall I do ? ' He turns aroun', takes in the situation at a glance an' yells back :

" 'Swear at 'em, you —— fool, swear at 'em!'

" Which I done. And them mules went flying up ther hill as if they was going to home and mother!"

" Easy enough when you know how," commented Polly Ann.

Griswold, who had been tuning his old fiddle, now spoke up:

" This yere camp fire 'minds me uf ther last time I was prospecting, you bet." The man had such a reputation for silence that all listened eagerly.

Chuck Witham

" It was above the snow line, an' the four of us was so doggone tired when we got thar, you bet, we just dumped ther burros' loads on ther ground, wrapped up in our blankets and slep' like logs. Wa'll, sir, when we gets up ter breakfast, you bet our supplies was strewed aroun' everywhere, and ther labels was missing from every tin can!"

" What done it?" asked Osgood.

"B'ars! They hed licked offen ther labels to get ther sweet mucilage. Wuss't uf it was, when we selected a can for a meal, we couldn't tell whether we was going to hev corn or tomatoes, or what!" Griswold concluded with one of his characteristically emphatic "You bets," and was about to play on his fiddle when Josselyn rode up on his beautiful broncho.

"Hello, Josselyn. Ain't seen you all day. Whar yer bin?"

Dismounting with rather a tired air, Josselyn stood by his horse's head, patting her neck affectionately as he answered:

"Had a long ride 'way over toward Virginia Dale—just got back!"

"Kinder lonesum all off by yerself?"

"Not for a day or two. But when a fellow's on the range for weeks at a time, it does get lonesome. No cowboy could stand it, were it not for his horse. Why, my little mare here," and he turned to her with loving enthusiasm, "is regular company. I talk to her just as I would to a woman."

"A woman, Josselyn, no, no," the boys laughed skeptically.

"Just as I would to any of you fellows, and she knows as much—a sight more sometimes, don't you, Josie?"

The sinewy animal nodded her head in graceful affirmation as she laid her nose softly against her master's sunburned face, with an intelligence that certainly confirmed his statement.

Griswold, unable longer to repress his fiddle, now struck up a lively tune and called out:

"Come, Josselyn, start up ther cowboy's dance song."

"Yes, let's have it," cried the others.

A second invitation was not necessary, for all seemed attuned to the moment, and, as Josselyn finished each stanza, they joined in the chorus with a vim and vigor that carried the sound far out on the silent prairie.

THE COWBOY'S DANCE SONG

You can't expect a common cowboy to agitate his shanks
In an etiquettish manner in aristocratic ranks,
When he's always been accustomed to shake the heel and toe,
At the rattling rancher dances where much etiquette don't go.
You can bet I set them laughing in quite excited way,
A giving of their squinters an astonished sort of play,
When I happened in to Denver and was asked to take a prance,
In the smooth and easy mazes of a hightoned dance.

CHORUS — Repeat last two lines of each stanza.

When I got among the ladies in their frocks of fleecy white,
And the dudes togged out in trappin's that was simply out of sight,
Tell you what, I was embarrassed, and somehow I couldn't keep
From feelin' like a burro in a flock of pretty sheep.
Every step I made was awkward and I blushed a fiery red,
Like the principal adornment on a turkey gobbler's head.
The ladies said 'twas seldom they had the pleasure of a chance
To see an old cowpuncher at a hightoned dance.

CHORUS —

I cut me out a little heifer from a bunch of pretty girls
And yanked her to the center to waltz the dreamy whirls,
She laid her head upon my bosom in a loving sort of way,
And we glided into heaven as the band began to play.
I could feel my neck a-burning from her nose's breathing heat,
As she do-se-doed around me, half the time upon my feet.
She peered up in my blinkers with a soul dissolving glance,
Quite conducive to the pleasures of a hightoned dance.

CHORUS —

Ev'ry nerve just got to dancing to the music of delight
As I hugged the little sage hen uncomfortably tight.
But she never made a bellow, and the glances of her eyes
Seemed to thank me for the pleasure of a genuine surprise.
She snuggled up against me in a loving sort of way,
And I hugged her all the tighter for her trustifying play.
Tell you what, the joys of heaven ain't a cussed circumstance
To the hugamania pleasures of a hightoned dance.

CHORUS —

When they struck the old cotillion, on the music bill of fare,
Every bit of divil in me seemed to bust out on a tare.
I fetched a cowboy whoop and started in to rag,
And cut her with my trotters till the floor began to sag,
Swung my partner 'til she got seasick and rushed to a seat,
I balanced to the next one, but she dodged me slick and neat.
Tell you what, I shook the creases from my go-to-meetin' pants
While I put the cowboy trimmin's on that hightoned dance!

CHORUS —

"Gosh, ain't that a rip snorter," Osgood cried out enthusiastically, as the last stanza was concluded with all the gusto of the boundless plains.

"It be that," commented old Want-To, "but now kain't yer give us ther meetin'-house song?"

Instead of raising a laugh, the question caused the previous hilarity to give way to a quaint sort of reverence, as Josselyn answered:

"Why, yes, we know what you mean."

They all joined him in repeating the last two lines of each stanza as a refrain.

THE COWBOY'S SWEET BYE AND BYE

Last night as I lay on the prairie,
And gazed at the stars in the sky,
I wondered if ever a cowboy
Would drift to the sweet bye and bye.

Oh, the trail to that bright, mystic region
Is narrow and dim, so they say,
While the trail that leads to perdition
Is posted and blazed all the way.

I wonder whose fault that so many
Will be lost at that great final sale,
When they might have been good and had plenty,
Had they known of that dim, narrow trail.

They say there will be one grand round-up,
Where the cowboys like cattle will stand,
To be culled by the riders of judgment,
Who are posted and know every brand.

Perhaps there will be some stray cowboys,
Unbranded, unclaimed by none nigh,
To be mavericked by the riders of judgment,
And shipped to the sweet bye and bye.

As the melody died away, after a moment's silence, "It's Old Faithful's turn!" one of the cowboys shouted, and the rest joined in:

"Yes, that's right. Now, come on, noble redman, give us an Indian song and war dance."

The reluctant half breed was dragged into the foreground with scant ceremony.

Beginning with a guttural dirge, his body swaying slowly in unison, the Indian's voice and motions gradually quickened as he went off into all the agony and contortions of face, voice and figure that characterize the war dance, concluding in a fit of sheer exhaustion, as great beads of sweat dripped from his glistening copper-colored skin.

Tightening a cinch

"Whew, but that's the real thing, Old Faithful," spoke up Al Peters, almost with a shudder, as the applause subsided with which the Indian's acting had been royally rewarded. "Somehow it reminds me of the way Charley Slade done away with that ranchman Jules—tied the poor devil to a telegraph pole and then stood off and shot at him until when at last Jules died they wa'n't a piece of skin on him as big as a saucer but what was punctured."

"Don't you remember, too, how Slade cut off Jules' ears? He carried them in his pocket, and whenever he wanted a drink, Slade would go into a saloon, throw the ears on the bar, and demand the best they had. He got it, too, and they'd never accept either the ears or Slade's money — glad enough to get rid of him so easily."

"Yes," commented Polly Ann, "Slade was a tough cuss. The vigilance committee up to Virginia City done a good job when they hung him. But Slade was a good man for the Overland. He made it unhealthy for hoss thieves along the route. Slade wa'n't no slouch of a driver himself — Hank Monk[33] isn't in it alongside of him."

"That's right," joined in Witham. "It was Slade that drove the first stage west after the Plum Creek massacre.[34] He strapped his passengers on like bags — they was two women and four men — so that in the race for life the stage wouldn't have to stop to pick up passengers that was shot off or jolted off."

The howl of a coyote now broke in upon the ear.

"What good's them pesky critters, anyway?" said Chuck Witham, with disgust. For there is something about the sneaking prairie wolf that arrays against him the enmity of every decent man.

Griswold interrupted by uttering an effective imitation of the coyote's cry, and jumping to his feet, his fiddle in hand, began a peculiarly weird refrain as he cried:

"All up, boys. Now for the animal song."

Peters led off by singing a little verse derisive of the coyote, followed by Griswold's imitation of the coyote's cry, and then all the boys joined in a chorus that was an exact reproduction of the howl of a pack of prairie wolves — now near, now far, now snarlingly repulsive, now with a cadence and a certain degree of melody that has been the lullaby of many a tired traveler on the prairie.

This, and other animal songs, were sung with an abandon, an originality, and a fidelity to nature that was as remarkable as it was rare. One might travel the world over and never hear or see the like again, for the actions of the singers indicated the various animals quite as much as their voices.

Tired by their singing, the boys fell to debating the latest "chaps," and disputing over the speed record for tying steers and branding calves. The habits of antelope at night were being discussed in one little group of which Osgood was a member, until he said:

"I bet I know where a band of antelope are sleeping now. I'll jump on my horse and see if I can find 'em — it's only a few miles" — and off he went.

"Me go with him — no get lost," muttered Old Faithful, disappearing in the darkness.

"Wonder where Sanderson is tonight?" It was Witham who inquired.

"Guess the old man's fillin' up again," Peters answered. "If he takes much more, there'll be trouble in camp, sure."

As a matter of fact, Sanderson had begun drinking on the first day of the round-up, and each succeeding evening found him in a more dangerous mood. This Friday things had gone wrong with Sanderson. He had been worsted in a dispute over some mavericks or unbranded calves which he claimed. He had also failed in "cutting out" a refractory steer, and but for Josselyn's assistance might have been seriously injured. To Sanderson this seemed to be adding insult to injury, which he sought to assuage by repeated and deep potations.

He had come into camp late, drank still more heavily, became further angered to find supper was over, and at last worked himself into an even more frenzied condition than on the previous occasion. Sanderson had thrown off his coat and laid aside his pistols as he sat down for supper, but catching a glimpse of Josselyn, he drew his famous long bowie knife, and with murder in his eyes and hate in his heart, started for the Tenderfoot.

Peters, who had kept an eye on both men during the round-up, ran around one of the wagons and quietly told Josselyn that Sanderson was after him.

"Thank you, Al," the boy replied, with a peculiar smile, apparently unconcerned. But he moved away, avoiding his pursuer as long as possible.

At length, however, Sanderson caught sight of him again, when the boy ran behind the rear wheel of one of the large prairie schooners that formed the background of the camp.

It was a thrilling scene.

The covered wagons, containing the commissariat, were arranged in the usual semicircle — not because Indians were feared, but by sheer force of habit on the part of the teamsters to have a formation that would best withstand attack. In front of the wagons were several camp fires.

The cooks were still busy cleaning up. The cowboys were lying about, smoking and drinking, telling stories or enjoying their rough horseplay. Horses and mules were tethered or grazing peacefully near by. In the distance was the "caveyard," and in various directions numerous large bunches of cattle, each in charge of silent horsemen, the whole giving the impression of countless thousands of live stock.

The great plain stretched away into the twilight with unending vastness, broken at the south and east only by an occasional bluff or butte, terminating at the west in the foothills and the snow-capped mountains above. The loneliness of the background was weirdly illumined by the dying embers of what had been a glowing sunset.

Into the midst of this picture rushed Sanderson, uttering vile oaths, his face becoming more livid with murder the nearer he approached Josselyn.

"Now I have you, —— ——you!" he cried. "I'm going to cut your —— heart out."

With that he made a lunge at Josselyn between the wide-parted spokes of the wheel.

The boy's face was a study. It was pale, but not with fear. The mouth was set like a vise, the eye with a glitter of steel, resolute, firm, alert. His right hand was at his hip.

He waited calmly the first thrust, but it failed to reach him.

With another horrid oath, Sanderson came near enough to reach between the spokes, and to disembowel the boy with one thrust and turn of the bowie knife.

At this instant, Josselyn drew his revolver and shot Sanderson through the heart.

Uproar followed. Sanderson's desperadoes and the cowboys generally resented having so great a man laid low by a despised tenderfoot.

"It wasn't a fair fight! He had the drop on the old man! Lynch him!" were the cries.

Josselyn retreated to the further end of the camp, his smoking revolver in hand. Al Peters sprang to his side, crying out:

"Come, Sam, oh Chuck, Griswold, where be yer?"

The three came running up, two of them with rifles.

The five men deployed into a three-quarter circle, their shooting irons ready.

"Keep cool, sell yer lives dear if yer hev to," whispered Al.

"You bet," ejaculated Griswold, patting his gunstock affectionately.

The rest of the camp came on in numbers, the angry desperadoes in front, the others carried with them by the excitement of the crisis. It was an intense moment, awaiting only the first shot to start a fight against great odds.

"Hold on, what's all this!" cried a newcomer, riding into camp between the unequal opposing forces, waving his handkerchief as a flag of truce. It was no less a person than Abner Loomis.[35]

"Ther Tenderfoot's murdered Sanderson," was the answer from the larger party.

"Self-defense," called out Peters.

"Wa'll," said Mr. Loomis, with characteristic deliberation — he was never known to be phased, no matter how exciting the circumstances — "ye better let a couple o' boys from each side escort the leetle cuss up to ther Fort and turn him over to Sheriff Mason."

This was hotly opposed by a few of the loudest-mouthed, but the sober-minded recognized the wisdom of the proposition. Moreover, the sheriff's name was one to conjure with, for he was a character of no mean proportions.

Captain Mason was a veteran of the civil war, as straight as an arrow in spite of his more than sixty years, with a determined face and eyes as black as his hair, though his beard was well tinged with gray — a type of the men who as sheriffs did so much to bring order out of the chaos of early days in the far west.

So it did not take long for the opposing parties to act on Mr. Loomis' suggestion.

Al and Chuck were chosen, with two from the Sanderson party, the bodyguard soon mounted and rode off into the gloaming, Josselyn unarmed, with two guards behind him and two in front, by whom he was duly turned over to the sheriff and locked up in the Larimer county jail.

"Sho, to think I missed all the fun," Osgood said, sorrowfully, when he got back to camp, half an hour after Josselyn's departure, and learned of the affray.

"They's times when the round-up ain't no place for boys," Mr. Loomis commented quietly.

Osgood took the hint and kept still. But he never forgave himself for that hour's absence!

Roping a beef steer

Just branded

Branding a calf

Skinning a beef

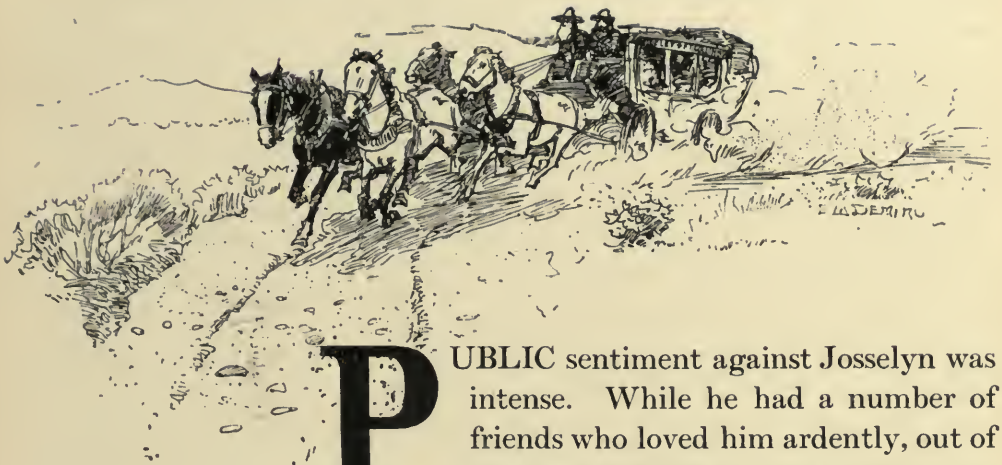
PART *Two*

Hate and Love

SCENE *Two*

Frances

"You are going to get well"—Page 113



PUBLIC sentiment against Josselyn was intense. While he had a number of friends who loved him ardently, out of sheer admiration for his merits, to the great majority of the public he was unknown other than that he was accused of having murdered one of their most distinguished citizens. The old pioneer settlers in particular took it as something like a personal insult that so noted a man among them should die with his boots on[36] at the hands of a dude tenderfoot.

Frances

This sentiment against Josselyn was artfully fostered in every conceivable way, until the community was divided into rival factions. A few stoutly maintained Josselyn's innocence, the rest demanded his immediate conviction and execution. Lynching, however, was not to be thought of with Sheriff Mason in charge of the prisoner.

In due course the trial was held, with as much formality as circumstances permitted. It was full of thrilling incidents, chief of which was

the report of the jury that they had failed to agree, standing nine for conviction and three for acquittal, thus reflecting public sentiment. The demand for Josselyn's life now became so strong that the sheriff spirited him away in the night to Denver, where he was confined until the final trial, almost a year later.

As the time for the retrial drew near, public interest was renewed in intensity, and the feeling between the rival factions became more and more threatening. The case was the all-absorbing topic of conversation, and was one of the first things talked about to immigrants, who were now pouring into the country in large numbers.

These people came from the east, and consisted mainly of those who sought Colorado for their health as well as to restore their fortunes.

They were superior to the class that settled some of the frontier states, most of them being of good family, whose strength of mind and body has been perpetuated in their offspring.

The stage from Greeley had been more and more heavily loaded as the tide of immigration increased. Among the passengers one day arrived a gentleman who bore every evidence of being a New York business man and club habitue. He was accompanied by a woman young in years, but whose hectic glow revealed at a glance that, like many another deluded patient, she had sought the rarefied atmosphere of Colorado all too late.[37] The solicitude with which Mr. Upcraft watched over and waited upon his niece was as tender and even pathetic as it was destined to be unavailing.

Mr. Upcraft and Frances engaged the best rooms at the Agricultural hotel, the parlor opening upon the piazza being reserved for Frances. They had hardly got their trunks sent in before the loquacious proprietor, Mr. Scranton, commenced his usual dissertation upon the country and its interests.

"So you are from New York?" was the pointed question with which he began his talk with Mr. Upcraft. "You are just the kind of a man this country needs. You've got capital, and we need money to develop our resources. Why, we have the greatest country here

on the face of the earth! Just get water onto this land anywhere and you can raise seventy-five bushels of wheat to the acre![38] These mountains are full of gold and silver, waiting to be dug out! Let's see, what did you say was your business? Banking, I should judge. Well, now, if there is any one thing we need in this town, it is more banking capital. There's the Younts charging us three per cent a month for interest.[39] They never make any losses, either. You will find banking here a cinch."

"But I'm not going into business at present," Mr. Upcraft interjected politely. "I have come here for my niece's health."

"Well, I thought so," Mr. Scranton replied. And he added, optimistically: "Oh, she'll get well fast enough. Why, I've seen people reach here so sick they couldn't get out of the stage without having a hemorrhage, and yet be all cured up in a few months. This climate will cure anything! She will also enjoy getting acquainted with some of our nice young ladies. They're always glad to see girls from the east. I think Miss Frothingham will be specially pleased with Gladys Sanderson. She's a fine girl, though she has been in a mighty hard place during the past year."

"How is that?" Mr. Upcraft inquired.

"Why, haven't you heard of the Josselyn case? The Tenderfoot who is accused of killing her father?"

"Why, no. That sounds interesting. Miss Frothingham will be down directly and then you may tell us about it."

After supper Frances and her uncle ensconced themselves comfortably on the piazza to hear the story.

"Why, I feel ever so much better already," she said, smiling hopefully. "How clear the air is! How near the town is to the mountains! It can't be more than a couple of miles to the top of those foothills."

"Nearer ten," said Mr. Scranton. "You will soon get used to distances here. They always deceive newcomers who are not accustomed to our clear atmosphere."

"But hadn't we better go inside, out of the damp night air?"[39]

Mr. Upcraft remarked, as the sun was disappearing over the mountains.

"Oh, no, indeed! The night air is not damp here. That's one of the peculiarities of this country. We have no dew. And the clear dry air at night is just as healthful as during the day."

And then Mr. Scranton told, in a matter-of-fact way, about the Josselyn-Sanderson episode. As landlord of the town he had felt

The colony at the period of this story

From a photograph of Fort Collins taken in 1874, looking west toward the mountains, but only the foothills show here. *a*, the Agricultural hotel; *b*, "the first frame structure," illustrated on page 43; *c*, "the new brick block that stood by itself about half way between the old town and the new colony" (page 41). The "old grout" and the livery stable where the retrial was held, are further to the right, not shown, and the Cache la Poudre is also near by, at the right and north. The place is now a thriving city, and the section shown above crowded with business blocks.

it his duty to hold aloof from either faction, yet could not wholly disguise the truth that his sentiments had favored the Tenderfoot.

"The strangest feature of the whole affair, however," he said, after outlining the details that already have been made familiar to the reader, "is the way Gladys and her grandmother take it. You would suppose the old lady, especially, would be bitter against the boy who has killed her son, even though the girl might forgive him out of love. But the truth is, neither of those women will say anything about it.

"The day after Josselyn was put in jail here, Grandma Sanderson and Gladys had a long interview with him in the presence of Sheriff Mason. The captain won't let on much about what passed there, but he admits that the Tenderfoot told them his story in a simple, boyish way. The old woman asked him one or two questions, but the young girl never said a word. Just sat there looking at him. Hardly had the boy finished his account when Gladys jumped up, grasped his two hands impulsively and said:

"'I believe every word of it! I know you did it in self-defense! We'll save you yet! — won't we, grandma?'

"The old woman could only answer through her tears: 'Sartin, Gladys, sartin.'

"From that day to this, Gladys has carried herself in this town like a queen. No one dares say anything to her about the case. She seems to have changed all at once from a girl into a woman. Why, she sat all through the first trial without showing any emotion; but when the jury reported disagreement, she rushed up to the prisoner, threw her arms around his neck and kissed him right before the whole court room full of people. It made a sensation, I tell you! Even the boy's enemies joined in applause at the girl's action."

"When is the case going to be tried again?" Frances interrupted, now strangely excited.

"It's coming off next week," answered Scranton. Then lowering his voice and leaning over more closely so as not to be overheard, he volunteered:

"And I tell you, it looks bad for the boy. You see, the best witnesses for the defense have disappeared. It's mighty curious the way they went, too. It's hardly safe to say anything about it, but you can draw your own conclusions. The fact is, Al Peters, who was the only man right close to Josselyn and Sanderson when the killing occurred, and who testified that the Tenderfoot shot in self-defense, was found dead in one of the canyons over there, about three months ago, where he had gone to hunt up some cattle. There were three bullets in him but only two holes — he was a good shot, too. Then there was Chuck Witham. He got into some kind of a scrap with the tough fellows on the Sanderson range. They said it was a duel; but anyhow, he was shot dead. That cowboy, Sam, and the other fellow who had joined in protecting Josselyn on the round-up, were driven out of the country, and nobody knows where they are now."

"Well, all that's bad for the Tenderfoot," interrupted Mr. Upcraft; "but of course his lawyers have their testimony that was put in at the first trial."

"That's just what they haven't got," answered Mr. Scranton. "That's another queer thing. You see, they had a shorthand reporter come up from Denver, who took down every word of the testimony at last year's trial. He wrote it up, and his report, with all the other papers in the case, was put in the vault at the court house, as the only safe place. But here about six months ago that building was burned — must have been set on fire purposely — and after the fire was out, it was found that previously the vault had been broken open, and there was nothing left in it pertaining to this case, though none of the other contents had been removed, and they were all right except for being somewhat charred. Why, you can't even find an old newspaper containing a report of the first trial."

"Yes, but they can get the reporter's original notebook," suggested Frances, who found herself taking an unaccountable interest in the matter.

"Oh, no. That was filed with the other papers in the vault, and was stolen or destroyed at the time of the fire."

"Lynching was not to be thought of with Sheriff Mason in charge of the prisoner" — Page 103

Mr. Scranton then went on, resuming his natural tone: "Josselyn's father and mother are now in Denver. They brought on one of the greatest lawyers from New York to help fight the case. And that reminds me. Another curious thing about it is that Josselyn isn't the boy's name at all. It seems he ran away from New York for some reason or other, under an assumed name. He is pure grit, and when he got into this scrape last year, never revealed his identity nor sent word to his folks.[40] There was such a mystery about the little chap, and the newspapers had so much concerning the case, that after the trial was over the New York *Herald* had a big write-up of it, and from what it said, Mr. and Mrs. James were sure —"

"Whom did you say?" Frances cried, leaning forward, all excitement.

"Why, a Mr. and Mrs. James of New York. They came out here and found that the Tenderfoot was really their son Jerome."

Frances fell back in her chair, limp. A moan escaped her, as she fainted.

The next morning Frances was not able to rise. She seemed to have lost entirely that spirit of hopefulness, which in the consumptive becomes more and more abnormally optimistic the nearer the approach of death. Of no sufferer is it more true than in this disease that "hope springs eternal in the human breast." But when hope itself is dead, when the heart is broken, life indeed approaches its end.

"Uncle, I want you to send for Gladys Sanderson. I must see her before I die. Oh, you needn't protest. My race is run. I can't live much longer. But I have one more thing to do. Oh, I'm so glad I came out here! It is strange how we cling to life, how we fight for it. Yet it is beautiful to prepare for death, when we feel it's coming."

When Gladys Sanderson called that afternoon, the contrast between the two was the contrast between life and death. Disappointment, sorrow, grief and sickness were depicted on the emaciated countenance of the invalid, suffused, however, by a peculiar charm that glorified the individuality of the dying woman. Gladys, on the

other hand, was in the full enjoyment of physical magnificence and purity, reinforced by a character and will and soul born of the tribulations through which she was passing.

The young women seemed to understand and trust each other instinctively before a word was spoken, the more so as Gladys had been somewhat informed by Mr. Upcraft about Frances and her history.

Seating herself by the bed, Gladys drew the weak hand of her sister into her own palms pulsing with life and love. She was, indeed, all tenderness. All conventions and mannerisms faded away. They were just two women's hearts laid bare to each other, both animated by a single desire.

"It is so sweet of you to come," Frances whispered, with her beautiful smile. "How we both love him!"

"Yes," said Gladys, simply, unable to utter more. Her emotions expressed themselves more forcibly than in words. Then, collecting herself, she said:

"But of course you know he is innocent."

"Indeed he is — as innocent of this crime as he was of the evil of which I accused him," Frances responded, with an effort. Then, gathering strength, she sat up in bed and spoke with almost fierce animation:

"I did not know how much I loved him. I was a foolish girl. I did not know what life was. I could not recognize true virtue. My money, my little narrow life, seemed all in all to me. But how I have been punished for my mistake! To think that I should have married such a thing as Rudolph, instead! Oh, his was a miserable nature. I could not endure him. After a wretched year, we were divorced. He said it was because I still loved Jerome, and that he would wreak vengeance on that man yet. The villain is out west here now. Perhaps he is the animus behind this prosecution of Jerome. If not, Rudolph will later find some means of injuring him. Beware of that man." And she sank back exhausted by the effort.

As Gladys listened to this confession, she seemed transfigured

by an heroic impulse. (Why is a woman's love so often measured by her sacrifices?) Gladys did not attempt to restrain the grandeur of her heart.

"Why do you speak like that?" she said quickly. "You are going to get well. Jerome will be acquitted. You two will be married, as you ought to be. He belongs to you."

Her self-renunciation was gloryful.

"No, no, it cannot be so. My life is out. I would not have it back if I could. You are the more worthy. Only — sometime — when you are home together — think of me," Frances whispered faintly, wistfully.

Then she passed on into the great Beyond, so gently none knew until the voyage was over. The charm of Love still hovered about the beautiful face, typified also in the delicate hands now calmly folded across a true heart that had ceased to beat.

* * * * * *

But of all this Josselyn was allowed to remain in ignorance.

"Wait until the trial is over, before we tell him," his mother urged with intuitive wisdom.

"It is better so," the father replied. "God knows the poor boy has enough to worry about already, without laying this new grief upon him."

PART *Two*

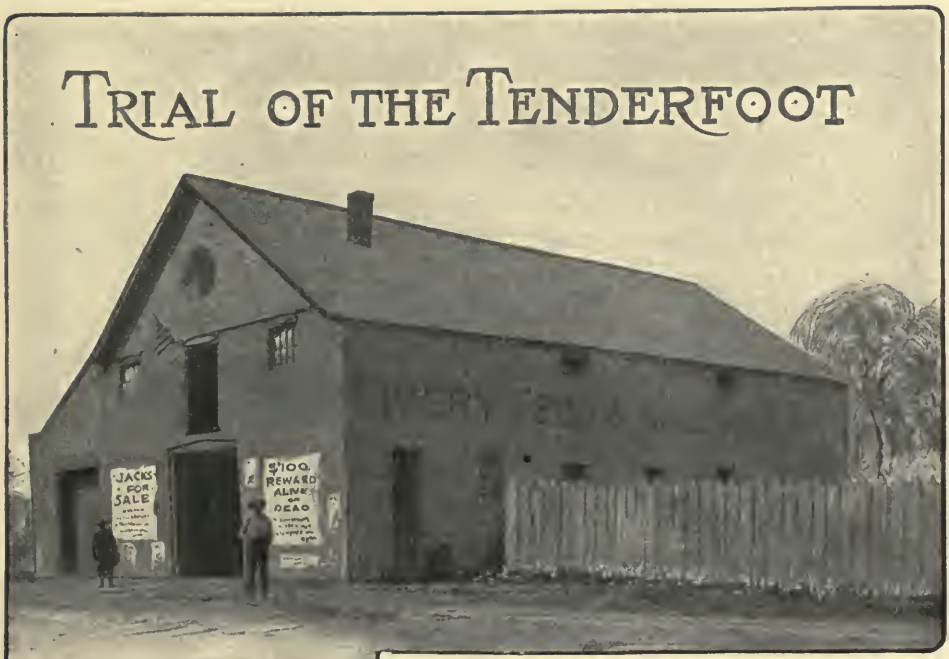
Hate and Love

SCENE *Three*

Trial of the Tenderfoot

"I shot only in self-defense, as God is my judge" — Page 127

TRIAL OF THE TENDERFOOT



WHEN the court convened, the following Monday, popular interest was at fever heat.

The trial was held in the grout building, that had been transformed from a livery stable for the court, because it was the largest structure in the county. The horse stalls had been removed, making the whole of the first floor available. A jury room had been partitioned off in the further corner, the prisoner's dock was on the other side, and between them the judge's bench, which that dignitary reached through the rear door. There were two windows at the side near the prisoner's dock and four windows at the end. Rude benches were erected in front

and at the sides to accommodate the crowds. The haymows above were partly filled with wheat straw and alfalfa hay,[41] some of it baled, some loose. Lanterns were suspended from the rafters, or from the timbers in the bays.

The big front doors of the structure were thrown wide open. The overland stage coach, that had long been stored at one side of the doorway, had been run out into the corral at the left, which contained also some wagons, a prairie schooner and sets of wheels.

An old poster of "Jacks for Sale" adorned the front of the stable. Around it were various announcements of "Lost, Strayed or Stolen," some stud-horse posters and a somewhat defaced advertisement which read, "$100 Reward, Alive or Dead," offered for an alleged horse thief. The corral at the right had been fenced off to accommodate the horses. For a background there were a few cottonwood trees near the river, while off to the left a glimpse could be had of "Ditch No. 1."

Judge Howes was a character who fittingly supplemented the setting of the court. One of the oldest pioneers in the territory, he had been an active participant in many thrilling exploits of the earlier times. He was recognized for his absolute fearlessness, brusque manner and ability to instill into even the most hardened desperado respect for the court.

It is narrated that early in his career on the bench, a notorious character, who had somehow secreted on his person a revolver, was arraigned for murder before Judge Howes. The desperado bided his time, and just as the case was going to the jury, drew his pistol to kill the judge. But Howes was still quicker in using the revolver that always lay before him on the bench, shot the prisoner before he could pull the trigger, and then, turning to the sheriff, unconcernedly said, with the usual formality, "Next case!"

Sanderson's friends were present in great numbers, filling more than three-quarters of the seats reserved for the audience, while only a handful represented Josselyn's friends in one corner of the spacious room. Some comment was created on both sides because,

while Grandmother Sanderson was present, she sat alone and was not accompanied by Gladys.

The array of legal talent was the greatest ever seen in a Colorado court up to that time. The chief prosecutor was Herbert Preston, district attorney, whose characteristic boldness of expression and loudness of voice found full play before the trial was concluded. He was tall and lank, with the jawbone of a whale, the voice of a foghorn, and the "nerve of a government mule." What he lacked in law was made up in assurance. Possessed of an inexhaustible supply of nervous energy and muscular force, the gyrations of his arms, his jerky steps, his constantly changing poses, and the now impressive, now ludicrous, manner in which he attempted to browbeat or cajole witness, jury and judge, were a sight to behold.

To the old settlers, 'Squire Preston, with his cowboy clothes and sombrero, was a "great lawyer," but to others he wasn't — yet through one of the mysteries of the psychology of politics, when nominated for office, he was sure to win, no matter which party put him up, and he was not too bashful to accept a candidacy from one party when refused it by the other! "I have worked up to this high position," he sometimes remarked with pride, "from the humble vocation of clerk to a stone-mason" — poetic reference to his early activities as hod-carrier.

The very antithesis of this swashbuckler of the plains was Donald Whiting of New York, chief counsel for the defense. Though not a party to the first trial, his ability was at once recognized by the local lawyers when he had come west to look into the case for the retrial, at the earnest request of his old friend, Mr. James, Senior, father of the prisoner. Mr. Whiting dressed with scrupulous care in the latest metropolitan style, even to a silk hat and patent leathers. His first appearance in court evidently had an unfavorable effect upon the jury, as it certainly did upon the populace, whose prejudices were aroused by his bearing and dress. But the indefinable power of the man soon made one and all oblivious to his fashionable appearance.

Quiet, imperturbable, self-contained, plain of speech, with none

of the arts of oratory, and apparently lacking in persuasive power, Lawer Whiting was so quick to seize upon every favorable point, so vigorous, yet simple, in pressing fact and argument upon judge and jury, so subtle and confiding with the witnesses, keener than lightning to hit the other side at every exposure of a weak spot, that more than once even Sanderson's friends found themselves carried away with admiring fascination for the man. Their spontaneous applause of one of his coups, though sternly repressed by the court, was wonderful testimony to the influence of a giant intellect.

It was anticipated that much time would be occupied in obtaining a jury, even that a change of venue might be demanded. But here the first surprise occurred, for Mr. Whiting only challenged two men — young fellows about town who appeared rather irresponsible, while the prosecution challenged all whose answers showed an absence of bias against the defendant. Lawyer Whiting's inquiries were designed more to bring out habit of mind and general characteristics. Ten of the twelve men finally accepted were ranchmen, and most of them, probably, had a predilection against the prisoner, but the country-man holds his duty peculiarly sacred, once he has sworn to perform it, and the astute metropolitan attorney had learned from long experience that twelve intelligent, honest, God-fearing farmers usually comprised the best jury it was possible to obtain in a murder case where only justice was sought.

Of course Josselyn was the most interested person present. He followed every detail of the prosecution with the keenness of one whose very existence is at stake. Sheriff Mason and several deputies had brought him up from the Denver jail only a couple of days before, and an additional force of deputies were on duty at the trial and at the county prison, to provide against any demonstration that might be attempted against the prisoner.

Josselyn was pale from his long confinement, and somewhat heavier for want of exercise, but his clear eye was as honest as ever, and his whole bearing bespoke his innocence. He sat facing the jury. No emotion of fear, dread or hate clouded his countenance, as

the prosecution presented its damaging evidence, but while alert to catch every point, only a clear conscience was reflected in the young face. Nor did Josselyn reveal by nervous movements the tension he was under. Indeed, his conduct was such as to afford no aid to his conviction.

When the prosecution rested, it was apparent, even to Josselyn's friends, that his chances were slim indeed. The chain of evidence against him was complete, though largely circumstantial, and in the absence of eye witnesses who could swear to the exact conditions under which the killing occurred, the prisoner's life hung by a thread.

The defense opened tamely. Mr. Whiting merely stated that both sides had agreed to admit the fact of the death of Al Peters and of "Chuck" Witham, who had witnessed the tragedy; also that the records of the previous trial had been destroyed in the court house fire.

Sheriff Mason was sworn, and testified that he had been unable to subpoena or find any trace of the cowboy known as "Sam," or the prospector, Griswold, the other chief witnesses for the defense. He also declared that there had been no heat or light in the court house prior to the time of the conflagration.

It looked as though no defense was to be attempted. The audience were nonplussed. Preston and his associates could hardly repress their satisfaction.

G. D. Henry, editor of the *Standard*, was next sworn. He testified that he had attended each session of the first trial, that he had taken notes in full of the testimony given by Peters, Witham, "Sam" and Griswold, as well as of the other witnesses, and had published the same in his newspaper. He further declared that, about three months ago, his office had been entered by thieves and the files of the *Standard* stolen, and that he had been unable to find anywhere (either in his office or out of it) a copy of the issue containing his report of the trial. He stated that no other newspaper had printed anything like a full report.

W. N. Garbutt then testified that he was a subscriber to the *Standard*. A stranger had called at his ranch several weeks after

the first trial, ostensibly to buy cattle. During their conversation, it was natural that this case should be mentioned. The stranger casually inquired if they had a copy of the *Standard* containing the report of the trial, and upon its being brought out, had carelessly tucked it in his pocket, "to read when we get through our business," he remarked, but had failed to return it.

Half a dozen other witnesses were put on, whose evidence went to show that a quiet but persistent effort had been under way, ever since the first trial, to destroy every copy of the *Standard* that reported it. No amount of cross-questioning could dispose of this evidence, but its effect upon the jury was in no wise revealed in their faces.

Editor Henry was again called to the stand.

"Do you recognize this?" Mr. Whiting quietly asked, handing the witness a soiled and partially mutilated newspaper.

Looking at it in surprise, the witness answered: "Yes, it is a copy of the Fort Collins *Standard* published a year ago, and contains my report of the first trial."

"Will you read it?" Mr. Whiting asked.

"I object, your honor," yelled Preston, jumping to his feet, his face livid with the emotions of a man angry because he feels himself outwitted.

"What travesty is this that seeks to introduce mere newspaper report as competent testimony regarding a capital crime? What effrontery to even attempt to substitute newspaper hearsay for the testimony of witnesses! Could anything be more illegal, your Honor? Surely you will never assent to this amazing presumption of the other side."

And Preston proceeded to cite the usual authorities in support of the elementary principles governing the admission of evidence.

"May it please the court," Mr. Whiting replied, in a peculiarly effective tone, "even assuming the truth of what you have heard from my learned friend, it does not apply to this case — and for these reasons."

He began by citations from decisions in England, going back

a hundred years, reinforced them by quoting numerous opinions in point rendered by the supreme courts of the eastern states, and concluded with a panegyric on the jurisprudence of the old Bay State as he cited the views of the Massachusetts supreme court in Egbert *vs.* Yale,[42] decided in 1873, some two years previous.

"But, your honor," continued Mr. Whiting, with still greater force, "let us go yet higher, to the United States district courts, aye, to that august seat of final authority, the United States supreme court itself, and you will find that absolute, exact and fearless justice demands the admission of the evidence we offer. Why, it was as early as 1818 that Judge Washington, later one of the justices of the United States supreme court, decided in an exactly parallel case: 'The witness may refresh his memory from notes which he took of the evidence at the trial, or from a newspaper printed by himself containing the evidence as taken down by the witness.'"

There was scurrying among the lawyers for the prosecution, in an effort to find authorities that might offset the exhaustive citations of the defense. Much time was occupied by these technicalities, for the battle of opposing counsel waged long and furiously, but at length the judge allowed the witness to read the report, and also directed that the newspaper itself should be given to the jury.

But Preston was not to be thwarted. The editor had testified that he had taken his notes at the first trial with his own hand, had written them out *in extenso*, and there was no doubt in his mind as to the absolute correctness of the record as published. Yet on cross-examination, the prosecution quickly forced him to admit that he could not swear positively that the report was printed exactly as he had written it. In putting in type and "making-up," there might or might not have been errors or omissions.

The defense was not caught napping, however, for Whiting's question enabled the witness to add that, if such errors had occurred, they were unimportant, and that from his own recollection he knew the statement was substantially correct.

Osgood, the editor's son, was now called to the stand. The

boy gave his testimony in a manner that carried conviction as to his honesty and sincerity, while his bearing indicated blissful ignorance of the fact that Josselyn's life perhaps hung on his words, or that his own life was in danger from Josselyn's enemies.

"Did you put your father's report in type *verbatim et literatim?*" the lawyer asked.

"I set it up exactly as it was written, if that is what you mean," the boy replied.

"Didn't you change it at all?"

"No."

"Why not?"

"Because I knew I'd get a licking if I did!"

Josselyn was now sworn, every neck in the audience being craned to get a good look at him, as with a manly air he stepped into the witness stand. In his open, boyish manner, he told the story of the shooting, in simple and quiet words, narrating also the various circumstances previously in which Sanderson had shown hatred and malignity toward him. In no detail was his story shaken upon cross-examination.

Questions put by the defense, with a view to making the witness declare that some special enemy must have been instrumental in making away with the witness and the evidence of the first trial, were sternly ruled out by the judge. "It is competent to introduce evidence upon that point, but opinions only, mere statements of what the defendant thought, are not pertinent," pronounced the court.

"May the witness answer this question, your Honor," asked Mr. Whiting, concluding the cross-examination: "From the actions, attitude, appearance and bearing of Sanderson as his hand was raised the second time to knife you, and from your previous experience with and knowledge of the man, were you satisfied that he meant to kill you?"

"I object," interrupted Preston. "I submit that under the court's ruling just rendered, the whole question is incompetent."

Whiting made no reply — he only looked at the judge with

that inscrutable gaze which was characteristic of the great lawyer in a crisis.

Pondering soberly, while the court room was so quiet that a stranger looking in might have thought it all a painted scene, Judge Howes decided: "Omit the words, 'from your previous experience with and knowledge of the man,' and the witness may answer."

To the question as amended Josselyn replied:

"I was — I shot only in self-defense, as God is my judge," he added solemnly, raising his hand impressively and looking upward as though to call the Omnipotent to his aid right here and now.

At the very acme of this gesture, Josselyn's face, almost Christ-like in its purity, was illumined by a beam of sunshine that, breaking through the clouds, lightened up the witness and threw its mellow ray over judge and jury like a benediction.

It was all so sudden, so beautiful, that the audience were spell-bound, until the harmony was broken by Preston's grating voice, though in almost awe-struck tones:

"Will the court strike out all after 'I was,' in that answer?"

"The reply will stand," Judge Howes murmured, unable to wholly control his emotion.

Almost before Preston had concluded, attention was slightly distracted by the sound of horse's hoofs rapidly approaching, followed by a loud "whoa," in a voice that sent an electric vibration throughout the court room. As the new arrival rushed in with scant ceremony, everybody looked in that direction as though expecting a *denouement*, and were not disappointed when the man's voice was heard to inquire anxiously, and with hardly due deference to the court:

"Where's the lawyers? I want to testify in defense."

"Wait a moment," Whiting had exclaimed to Josselyn as he was about to leave the stand. Then the lawyer turned to investigate the interruption.

It was Buckskin Joe who strode down the aisle and conferred with Whiting in hurried whispers. Jumping to his feet again:

"Just another question, Josselyn," the lawyer said, stepping closer and asking gravely:

"Have you an enemy who is disposed to injure you?"

"Object," cried Preston.

"Admitted," responded the court.

Josselyn replied sadly, as his face fell:

"I regret to say I have — in New York."

"What is his name?"

"Henry Rudolph."

"What was the occasion for this enmity?" Preston sneeringly inquired.

"Am I obliged to answer?" asked Josselyn, blushing, as he appealed to the court.

"The question is proper," Judge Howes replied.

With noticeable effort and much feeling, the witness stammered out:

"He believes I won away from him the love of the heiress he wished to marry."

A sensation swept over the people at this reply, for Gladys' attitude toward the young man had long been common talk, and was fully recognized by all except the object of it.

"That is all, Josselyn," said Mr. Whiting, gently.

Preston nodded in the affirmative, but wonderingly.

Buckskin Joe was now sworn. As he took the stand, it was evident from his appearance that the witness had ridden hard and fast. The fact that he had not been in the vicinity for months, and that his entrance had been so dramatic in its timeliness, added an extraordinary interest to the various emotions of the audience which already had been so stirred by this remarkable trial. In spite of dirt and dust, Joe's bearing commanded admiration, and one of the young women present — Amelia Vandewark — quite lost in the surprise and joy of seeing him again, said so audibly as to be distinctly heard:

"Oh, isn't he splendid!"

Joe's natural brevity of speech required many questions to bring out what he had to tell — it was not much, but enough !

"I have been on Wyoming ranges," Buckskin Joe's story began. "Couple of days ago, came into Laramie City to liquor up. In saloon overheard two cowboys talking — they were just drunk enough to be boastful. The one called Bud said : 'I'm a better shot than you.' Other feller swore : 'Not by a damn sight. Why, I shot Al Peters twice in the same place.' Bud answers : 'Oh, come off, Rudolph.' I pulled my gun, when another feller behind me grabbed my hand, snatched my revolver and sang out : 'Run for it.' The three hasn't been seen since. I jumped on my horse and rode here."

Josselyn, for once off his guard, started at the mention of Rudolph's name, thunderstruck. The jury, too, betrayed profound interest in Joe's statement.

"We are through, your Honor," said Lawyer Whiting, so abruptly that the prosecution had no more questions to ask.

Round-up : Branding calf on the prairie

The people went away, wondering and excited, for, it being now quite late in the afternoon, the court adjourned until the morrow.

The arguments of counsel were notable, and consumed most of the following day. In his address to the jury, Mr. Whiting skillfully weaved into an effective whole the relations of Sanderson and Josselyn, from the very first down to the moment of the fatal shot. He then pictured the systematic manner and thoroughness with which the witnesses for the defense had been disposed of since the first trial, and of the efforts to destroy every trace of the record of their evidence.

"Some Master Mind has been engaged in this nefarious conspiracy — some malignant enemy has been its directing force. Was it this man Rudolph, who, by a fortunate circumstance, we know to have been Al Peters' murderer. What was Rudolph's motive? Thanks to the inquiries of the prosecuting attorney," he remarked with sarcastic inflection, "you now know that Rudolph's enmity is based on defeat in love and fortune. With certain natures defeat of this kind causes a deadly resentment that hesitates at nothing for revenge.

"The mystery surrounding this case is by no means yet solved," continued Mr. Whiting, "but enough is known to justify you gentlemen of the jury in believing that the same hand which killed Peters also assassinated Witham, broke open the vault, stole the testimony, and set fire to the court house. The same intellect directed the destruction of the only newspaper that fully reported the first trial. The malignity of purpose that has thus sought to convict the defendant should rather count in his favor."

Proceeding to weigh the evidence, piece by piece, Lawyer Whiting concluded with a peroration for justice to his client, which was all the more remarkable because of its convincing simplicity and naturalness of utterance, in direct contrast to the "oratory" employed by Preston.

It was nearly two o'clock when the arguments were finished. "The jury may be excused until four thirty," Judge Howes remarked, as he ordered a recess for lunch.

Long before the appointed hour, the court room was densely packed. At half-past four sharp, the jury filed in. Each man had carefully brushed, washed and combed, as though to better equip him for his solemn duty — for only those who have acted as jurymen in capital cases can fully appreciate the gravity of these men's minds.

Judge Howes summed up the case at great length, with rare discrimination, but with exact justice. The animus of those whose efforts were directed toward preventing the defendant from substantiating his own evidence with that of eye-witnesses had little if anything to do with the real merits of this case. "Did the defendant shoot in justifiable self-defense? That is the question for the jury to decide."

In his review of the testimony, the court laid special stress on the evidence of the editor and his son Osgood, indicating that the verdict would depend partly, if not largely, upon the credence given to the report in the *Standard.* Copious instructions followed on the various points raised by counsel, all given with a lucidity and comprehensiveness that were the marvel of those who heard the judge and who knew his lack of education. It was a fine illustration of the truth that the normal human mind possesses the wonderful faculty of rising to the necessities of any important occasion — this independent of book learning or so-called culture.

"And now, Mr. Foreman," concluded Judge Howes, "you will please retire and agree upon a verdict."

The sun had set some time since. Twilight gathered. The court ordered the lanterns to be lit. The interest was too keen to allow any of the audience to depart. In the flickering light could be seen the bearded faces of Sanderson's friends, many of them armed to the teeth, who showed in their demeanor a ferocity that augured ill for the prisoner, whatever the verdict might be. In one corner were Josselyn's parents, lawyers and a few of his friends. Outside, the moonlight cast a mysterious glow over the landscape, in which the cottonwood trees appeared, through the rear windows, like darkly shrouded ghosts waiting for their victim.

A noise was heard from the jury room — a shuffling of feet and moving about. It was whispered:

"The jury is ready to report."

This was true, for a moment later the sheriff came out from the room, followed by the jury, who filed solemnly into their places.

There was a silence like death. You could have heard a pin drop. Even the breathing of the people was distinctly audible. The faces of both sides hardened, eyes glittered, hands reached for their revolvers. The tension was awful, heightened by the feeble light within and the weird effect of the moonlight without.

"Have you agreed upon a verdict, Mr. Foreman?" asked the judge.

"We have, your Honor."

"What is it?"

"We find the prisoner NOT guilty."

The words were hardly uttered before shots, fired at the lanterns, put out the lights. There was instant confusion, and a movement toward the prisoner. The judge, unmoved, proceeded to poll the jury, and their replies, one by one, could be heard faintly above the confusion. Deputies formed a guard about the prisoner. One of the court attendants relit the lantern by the judge's bench. Mrs. James fell screaming into the arms of her son, and Mr. James could barely be discerned grasping his son's hand as Josselyn was discharged from the dock, and pulling his wife away, as though to free the lad from her embrace.

Sheriff Mason was a man always prepared for emergencies. In the darkness, he hustled Josselyn right through the window back of the prisoner's dock.

The boy was dazed by the fall, but the deputies who followed quickly, mounted him on a horse that stood by, adding:

"Now ride for your life! These friends will go with you," indicating two other riders.

As the three galloped by the rear of the building, those within could see them as they passed the windows, and set up a shout — a

"Gladys!" he cried, "How is it that you are here?"—Page 135

cry of joy on the part of Josselyn's friends, a howl for vengeance from his enemies.

Making for a little used ford across the Cache la Poudre, the fugitives struck the upper trail for Cheyenne, in a race for the overland express to the east on the Union Pacific railroad.

In the confusion, it was some time before Josselyn's enemies made up a posse in pursuit. More time was lost in sensing the direction he had taken. These circumstances gave the boy another chance, though a desperate one, and right nobly he improved it.

When Josselyn began his wild ride for life, he was inspired and delighted to recognize that Buckskin Joe, on a fresh horse, was one of his companions. With customary economy of language, Joe whispered hoarsely :

" Ride like hell ! "

Which they did with such impetuosity that Josselyn at first failed to realize who the other young man was that rode his horse so well. After coming to his senses, however, Josselyn instinctively felt the presence of a powerful influence, just what he could not define ; but as his eyes became accustomed to the moonlight, something familiar about the graceful riding of his unknown companion developed into recognition.

" Gladys ! " he cried. " How is it that you are here ? "

" To save your life," she answered. " I have everything arranged. Follow me and you will yet be free. Not another word ! "

" But tell me, Gladys, — "

" Silence ! You will need all your strength."

And it was true, for dim in the distance could be heard the hoof beats of their pursuers, gradually drawing nearer and nearer — for sound travels far at night in the still air of the Colorado prairie.

When about half way to their destination Josselyn was startled by seeing a number of horsemen in front of them, but Gladys reassured him with the information that it was a relief party she had sent ahead to provide fresh mounts. To change horses was the work of a moment and the mad race continued.

"I think you will be in time to catch the express, and I will slip away to my aunt's house in the village," Gladys had whispered. But her horse, catching his foot in a gopher hole, began to go lame.

"Ride on for your life! Don't mind me!" she urged.

"Never!" he said, and with his companion slackened pace in order to keep her horse company.

As the lights of Cheyenne came into view across the prairie, their pursuers could discern the Josselyn party and began to shoot at them. The shots went wild, however, and Gladys put spurs to her horse, urging him forward with irresistible energy in spite of his lameness. As they caught sight of the railroad station, she cried in dismay:

"There goes the train! You are lost!"

Josselyn cried: "Not yet! You go to your aunt's! And you," turning to Buckskin Joe, "follow me!"

The two cowboys now forced their horses right down the track after the departing train, screaming and yelling as their pursuers, shooting recklessly, closed in upon them.

The disturbance attracted the attention of the rear brakeman, who, seeing their predicament, pulled the bell cord, the train slowed up enough for Josselyn and the other cowboy to jump aboard, and they were soon out of danger.

PART *Three*

Military Department of Dakota

SCENE *One*

On Trail of the Indians

The Sioux, "pointing his long, sinewy finger at Rudolph, said in English, 'He!'"—Page 161

On Trail of the Indians

ALTHOUGH early in June, a piercing wind accompanied by snow had made the day's march a wearisome one, and glad enough were the tired troopers of the gallant Seventh cavalry to make camp that night. Having forded the Little Missouri a couple of days previous, the command was now emerging from the forbidding desolation of the Bad Lands, which had not been without its depressing influence upon officers and men. No trace of a human habitation had been seen since leaving Fort Abraham Lincoln nearly two weeks before.

With his usual thoughtfulness, General Custer had ridden ahead with one troop of the advance guard and had selected an ideal camping place on the west bank of Beaver creek. The clouds were clearing away as sunset approached, and camp was made with greater alacrity than usual, for everyone was cold and hungry.

As each troop rode up, it swung into a line facing the corresponding company of the opposite wing, dismounted and unsaddled, dropping bridles, blanket rolls and saddles to the ground, so that they formed two long rows of little piles with a wide lane between them. The horses were roughly groomed and speedily led off to water, and then put out to graze. The men's tents sprang up like magic — two long rows facing each other, on a straight line made by a picket rope, and about three yards back of the row of saddles.

At the end furthest from the creek, the train of 150 wagons was imparked in semicircular formation, the platoon of Gatling guns

in the center, usually guarded by a detail from the infantry, of which there were two companies of the Seventeenth, one company of the Sixth, and 34 men of the Twentieth United States infantry. These, in addition to the 730 men of the Seventh cavalry, and 40 Arickaree or 'Ree Indian scouts, comprised the entire command, making about 950 officers, soldiers and cavalry, who, with some 250 teamsters and packers, swelled the total to about 1200 men. The officers' tents were pitched on a line about twenty-five yards in the rear of the men's, the mess tents still further back. Close to the creek, at the end of one of the wings, headquarters were erected.

The subsequent care and feeding of horses took longer than usual tonight, and supper was not served until late. The customary jollification about the camp fires was not indulged in, for the brisk wind required all embers to be smothered in order to avoid prairie fires. Clouds flitting ever more thickly added to the gathering darkness of a raw, uncomfortable night. Both men and officers sought their beds early, and even the guards relaxed their vigilance, for faithful scouts had reported, after scouring the country in all directions, no Indian signs to be found anywhere.

But why does this sinister-appearing cook slink away from his tent into the blackness, toward the creek? Why does he make for a clump of cottonwoods, peculiar because one tree, taller than the rest, rises above them like a signal spire? Why does he start at every sound? Is it not because he dreads both the success and the failure of the desperate crime he has arranged to commit?

It was none other than Rudolph, though so degenerated in countenance, and so changed in clothing, as to render impossible recognition on the part of any who had known him in the east.

The man's career downward in New York had been but briefly stayed by his marriage to Frances. All too soon she had realized her mistake, repudiated him completely, and as we have seen, was divorced before the first anniversary of her marriage. As Rudolph sank lower and lower, he attributed his failure in life wholly to Jerome, and really made himself believe that innocent young man had "robbed"

him of his wife and money. Rudolph's waning fortune had forced him west when the New York police became too closely interested in his operations. He had reached Denver about the time of the Tenderfoot's first trial, and it did not take him long to become satisfied that the Josselyn accused was none other than his former rival, Jerome B. James.

Rudolph had been forced to hire out on a cattle ranch or starve, and speedily became acquainted with many of the tough characters who were then not infrequent in eastern Colorado. His work on the range gave him abundant opportunity to acquire proficiency in stealing calves and cattle, and he was soon at the head of a secret band of "rustlers" from whose depredations the ranchmen suffered severely, and they were not able to drive the last of the thieves out of the country until some years afterward.

These connections had made it possible for Rudolph to so nearly succeed in destroying all the evidence in Josselyn's defense. His complicity therein would never have been suspected but for the admissions he had foolishly made while intoxicated in the saloon at Laramie City, which, by one of those mysterious dispensations of Providence that makes truth stranger than fiction, had been overheard by one of Josselyn's friends.

It was Rudolph's band of rustlers that had made the Cache la Poudre country too hot for "Sam" and Griswold. One of them had slain Witham, two had joined in breaking into the vault and firing the court house, while the destruction of the copies of the *Standard* had been an easy matter.

It is true that Frances, with the intuition of a dying woman's love, had imagined Rudolph's presence in the west, though no one had given her warning a second thought. But Rudolph had known of Frances' visit to Fort Collins, though ignorant of her illness and death. He was confident she had come west to find Jerome, which still more embittered his hatred for the young man.

At the time of the Laramie City incident, Rudolph had been drifting for a number of months among the settlements, camps and

Indians of the northwestern frontier. As a precaution against arrest for the assassination of Peters, he now fled still further north, and for a time lived among Sitting Bull's tribe of Indians. To acquire power among the Sioux, whom he felt he might be able to use in his nefarious purpose, Rudolph had become a squaw man (that is, had taken a squaw to wife). Finally he had worked his way back to Dakota and was a hanger-on about Fort Abraham Lincoln.

It was Rudolph who had directed the recent stealing by Indians and renegades of grain at Fort Lincoln, without even being suspected. When two men had been arrested for that offense, it was Rudolph who had assisted them in breaking jail, and, what was still more to his purpose, at the same time Rudolph had set free no less a Sioux than Rain-in-the-Face.[43]

This was a great man of that bloodthirsty tribe, who had been confined for several months for his boasted-of crime of killing two white men of Custer's Yellowstone expedition in 1873. After his escape, Rain-in-the-Face sent back word that he had joined Sitting Bull, and that the day would yet come when he would eat the living heart of Colonel Tom Custer, in revenge for having had him ignobly arrested in the presence of his fellow Indians in the store at Standing Rock Agency.

Only once had Rudolph made an enemy among the Sioux: when he filled Running Deer with rum — a magnificent specimen of the tribe who was singularly proud of his prowess — and then thrashed the befuddled Indian before all his friends — who forever after held Running Deer in contempt and ridicule for the incident. A Sioux never forgets an injury — never forgives an insult to his strength.

Through occasional unwritten communications with his cronies at the south, Rudolph learned of Josselyn's acquittal and flight. "Now the Tenderfoot is in a fix," Rudolph reasoned to himself, "for he can't go back to Frances, neither can he feel free to take up with the Colorado girl, so he will doubtless enlist in the army as the best vocation for one in his dilemma."

The renegade's conclusion was correct, as we shall soon see. (Why are such degenerates so often gifted with what Lawyer Whiting had aptly termed "a master mind"?)

So Rudolph kept up a persistent search, both individually and through his spies, and was at last rewarded with success, when he discovered that Josselyn and Buckskin Joe, soon after their escape, had enlisted at McComb City, Missouri, in the Seventh cavalry and were in Troop "K" when the regiment had rendezvoused at Fort Lincoln preparatory to joining Terry's ill-fated expedition against the Indians under Sitting Bull.

Rudolph had found no difficulty in obtaining service in the command as cook, or in communicating with his Indian associates among the enemy, while he was so changed that it was no wonder Josselyn failed to recognize in the tough-looking mess-helper the dapper Wall street broker of three years before.

Groping his way into the cottonwoods, Rudolph had not long to wait. The brush at one side silently parted as two keen eyes met his, and with a whispered, "How," Rain-in-the-Face[43] clasped the hand of the villain. The two were types of the degree to which revenge will sink white man and red to a common level of depravity.

"Where is Sitting Bull?"[43] was Rudolph's first question.

"In Big Horn country, near Yellowstone. His Indians cover prairie," answered Rain-in-the-Face, with a sweep of his arm that indicated great numbers — for though he spoke a little English and understood more, this fact was one of which the whites had been in ignorance during his captivity.

"Good. Now look," Rudolph spoke eagerly. "Give this [handing him an official envelope] to one of your smartest scouts. He is to ride into camp about eleven o'clock tonight as a courier from Crook. The dispatch tells Custer that Sitting Bull's braves are leaving Big Horn for the north. Custer will send scouts to inform Gibbon."

Rain-in-the-Face comprehended, as Rudolph went on:

"It will lead Custer to believe Sitting Bull's forces are small. See that these two scouts never live to go beyond Chimney Rocks. [The Indian's eyes were hellish, as he drew his knife carelessly around his head to indicate the act of scalping.] That's it. Then join Sitting Bull, telling Indians everywhere to rally to him on the Big Horn. There you will have your revenge!"

And Rudolph's face outvied in its disgusting ferocity the fiendishness of the savage's, as he made a pantomime of cutting out the Indian's heart and eating it.

Rain-in-the-Face disappeared as silently as he had come, and Rudolph stealthily made his way back. If now his other plans failed not — and before midnight this would be apparent — the white demon's revenge was assured, and probably also the revenge of his Indian accomplice. For Rudolph felt instinctively that if Custer followed the ruse, Josselyn and Joe would be chosen as scouts for such a mission, so powerfully had the Tenderfoot already impressed his personality upon his fellows, although only a private among 700 cavalry.

The camp was now wrapt in slumber. There were no lights, save a glimmer at headquarters, where General Custer sat thinking of his responsibilities, now that Brigadier General Terry had gone on to the Yellowstone, leaving him in sole command.

At this time Custer was furthest from being the dashing, carefree, reckless commander his enemies had represented. He had hardly yet recovered from the sting inflicted upon him by President Grant's order that the Seventh cavalry should start for the front without him, although that order had been modified subsequently so that he was permitted to go to the front under Terry instead of being in supreme command.

It had been a great satisfaction alike to Custer and Terry, that on this campaign Custer had repeatedly found a way through the Bad Lands when the Indian scouts had given up the attempt in despair, for the expedition was traversing a region never before visited by white men — a waste beyond description, filled with gullies

Haynes, Photo

"The forbidding desolation of the Bad Lands"

"A waste beyond description"

Haynes, Photo

"Filled with . . . buttes and arroyos"

and hummocks, buttes and arroyos, now level and then rough, without vegetation other than cacti and sage brush, except the cottonwoods along the river. The brilliant sunshine, reflected back by the blazing sands and many-colored hills, imparted a peculiar hue to the landscape, the effect of which was heightened by the rarity and clearness of the atmosphere. Under these conditions the contour of the land blends into one almost indefinable mass, and makes still more difficult the finding of a way out where there are no human signs to indicate the direction.

More than once General Terry had sought Custer's tent before dawn to urge him to lead the way. Twice when Custer and his troop had gone off scouting for Indians, the command had lost its bearings, and was wandering blindly in the desert upon his return.

Indeed, Custer's natural faculty for judging the country, and his remarkable prescience in discovering trails through the pathless wilds, were never displayed with more amazing intuition and success than at this time. Some idea of the difficulties the expedition had already passed through is gathered from the fact that the Little Missouri was so crooked and the Bad Lands so impassable that in a march of fifty miles, the command forded the river thirty-four times! As the bottom is quicksand, many mishaps occurred before the entire procession got across, for even when "closed up" the expedition stretched out in a line two miles long, with its many wagons, pack mules and horses, 1700 animals in all, including the cavalry. The utmost watchfulness was exercised to guard against surprise or attack by Indians, who could secrete themselves among the buttes so as never to be suspected. One battalion was divided into a guard for each side of the train, and there was always a heavy rear guard and an equally strong advance guard.

At this late hour tonight Custer's wide-brimmed hat was cast aside, revealing the wealth of long, curly, light, almost yellow, hair which reached well down toward the collar. The face was thin, almost aquiline — the broad brow wrinkled with care, the singularly penetrating blue eyes more restless than usual. The nervous tension

of the man, while under good control, nevertheless displayed itself, ever and anon, in jerky motions, especially of the powerful hands and bony fingers. He wore the buckskin suit in which he had become familiar to the public through the illustrated press.

Custer was now sitting on his bed, writing to his wife by the light of a flickering candle. His love for and devotion to her were supreme. No matter how many hours he had been in the saddle, he found time to write Mrs. Custer whenever there was a prospect of a courier being sent back with dispatches, for up to this time the expedition had kept in occasional touch with Fort Lincoln by scouts sent back and forth. A courier was to start for the fort on the morrow, and as it was probably the last opportunity he would have for sending his wife a letter, Custer was writing at length. Moreover, while feeling all the responsibilities of sole command, now that Terry had gone forward, Custer was happy in the further confidence displayed in him by his superior officer, and proceeding with the letter to Mrs. Custer, wrote :[44]

> "I send you an extract from General Terry's official order, knowing how keenly you appreciate words of commendation and confidence, such as the following :
>
> "'It is of course impossible to give you any definite instruction in regard to this movement; and were it not impossible to do so, the department commander places too much confidence in your zeal, energy and ability to wish to impose upon you precise orders, which might hinder your action when nearly in contact with the enemy.'"

Custer's hand paused. The letter was never to be added to, for, as he was about to proceed, a distant sound caught his quick ear even before it was noticed by the sentinel outside — the hoof beats of a horse, ridden hard. It soon attracted the guard's attention, a shot fired by an outpost woke up many, followed by a shout, "a friend, a friend," as the rider was caught, disarmed, and marched to the general's headquarters, his foaming pony following, led by one of the guards. The scout was still muffled in the blanket that he had worn to keep out the cold. Major Reno, Captain Benteen, Colonel Tom

Custer, and other officers came running up, attracted by the disturbance, while a number of privates also gathered about.

"What's all this?" said General Custer, in a tone that the close observer could see reflected a certain anxiety, as he stepped out in front of his tent.

"A half-breed with dispatches from General Crook, sir," replied the corporal of the guard, saluting, and taking from the courier's inner pocket a military envelope, duly sealed and addressed, which he handed to the general. Lanterns had been lit to afford more light outside.

Custer hastily broke the seal and read:

Camp of 2nd and 3rd Cavalry, not far from Old Fort Reno,
Wyoming Territory, May 26, 1876.

Lieutenant Colonel Custer, 7th Cavalry.

Colonel:

Brigadier General Crook desires to inform you that a scout in whom he places every confidence has just come in and reports that the Indians under Sitting Bull are leaving the Big Horn country in large numbers going northward. You may wish to send trustworthy scouts northwestward to verify this report, with instructions to report to Gen. Gibbon if they can reach him. If our information is correct, the Indians are aware of our purpose to round them up and are trying to give us the slip to the north, which Gen. Gibbon's command may be able to head off.

Respectfully yours,
J. J. Pearson,
Captain 4th Infantry,
Acting Ass't Adjutant General.

"Let the courier be well cared for," ordered Custer, and then turning to his officers said decisively:

"Gentlemen, please come inside. This is important."

Custer now read the despatch aloud, adding: "I have decided to send two scouts as General Crook suggests. It will not do to trust the 'Rees; whom do you nominate? Officers cannot go."

Quick as a flash answered Captain Godfrey of Company K Seventh cavalry:

"That man Josselyn and his friend Buckskin Joe are the best team for such work — that is, if you won't let me go myself," he added, with the eagerness of a volunteer for a desperate venture.

A dozen others were mentioned, when Custer interrupted: "Bring them all here."

In a few moments an officer reported: "The men are ready, sir."

Custer stepped outside quickly, and glancing over the squad was pleased to observe one among them whom he had frequently noticed for his fine riding, manly bearing and soldierly figure, for Josselyn's physique had filled out and broadened during these later months. Speaking with the tenderness that he sometimes showed, which so endeared him to his men, Custer said:

"For a long and dangerous service, upon which I do not feel like ordering anyone, I wish vol— "

Before he could finish the word, before the other men even realized what Custer had uttered, Josselyn advanced and saluting gravely said:

"Allow me, sir!"

"And me, too," put in Buckskin Joe, stepping to his side.

The others hardly yet grasped the situation, but an instant later, all begged to go.

"You may enter, men," Custer said in a pleased manner, inviting Josselyn and Buckskin Joe into the tent.

There he read General Crook's dispatch, and instructed Josselyn to use his judgment in acting upon its suggestion.

"You had better cross the Yellowstone at Chimney Rocks— it is the safest place, strike over to Musselshell river and follow it down so as to connect with Gibbon somewhere on the Yellowstone near White Beaver creek. Take rations for two or three weeks, plenty of ammunition, and salt for your horses.

"It'll be a hard jaunt and if the Indians are really trailing northward you may not get through — but we must know; the fate of this command, not to mention the success of the campaign, may depend upon your efforts to ascertain the numbers and movements of the enemy."

"I will do my best, sir," commented Josselyn.

And Buckskin Joe added: "Me too, sir."

"Oh, by the way, Josselyn," added Custer, his eye falling upon an envelope among the papers on his camp table, which he picked up, "here's a letter that came with the last dispatches which were sent on from Fort Lincoln. It was enclosed in a note from the Secretary of War asking that special efforts be made to find the man to whom it is addressed. We have no such name on our rolls, but some of our men have more than one name, and you may know who this is for. It is addressed to Jerome B. James."

Josselyn started, flushed, then drew himself together, man-fashion, and said proudly:

"That is my real name, sir."

"Well, my boy, I hope it's good news," Custer replied, handing him the envelope. "Now start instantly, there's not a moment to lose, and — God bless you both," he added fervently, shaking hands with each.

"Will you get the horses ready, Joe," asked Josselyn as they got outside, "while I read this letter by the light here — it's from my mother."

"Certainly, sir," was the ready reply. Buckskin Joe always addressed Josselyn as though he were an officer many grades above himself.

Now was Josselyn alone, by the two lanterns that still burned outside headquarters. The wind had gone down. The night air was bitterly cold. At times the moon showed itself through the clouds, yet a flurry of snowflakes fell now and again. Guards were pacing their beat, which extended down to the creek. In the occasional moonlight, the long avenue of tents seemed to stretch away into infinity. In some of the tents, lights could still be seen, for after the excitement, not everyone had yet turned in.

At one of the more distant mess-tents, a cook and several of the 'Ree scouts had built a fire and were extending frontier hospitality to the half-breed courier who had risked his life to bring what the men felt must be important dispatches. Stolid and uncommunicative as usual, the Indian still shivered and wrapped his blanket

more tightly around him, although close to the camp fire. Off among the horses, Buckskin Joe could be faintly heard, as he untied his own and Josselyn's horses, and led them down the avenue to their saddles.

Josselyn held the letter for a moment, thinking. He looked up, but his eyes were far away. Was it all a dream? He broke the seal and read:

NEW YORK, April 22, 1876.

MY DEAR BOY:

At last we have some trace which leads us to believe you are in the army somewhere. I am sending a copy of this letter to the different commands, in hopes of its finding you. Gladys [why did his heart start so] is sure you must be with Custer. She says you would enlist under such an officer if you could. We do not blame you for disappearing, but, dear Jerome, it was all unnecessary. We still miss Frances, her death was so sad [what was this emotion? — not grief-stricken love surely]. Father and I returned east shortly after the trial. We left the search for you in the hands of Gladys and her friends. The cowboys and Old Faithful, and their friends among the Arapahoes and Crows, have been unceasing in their hunt for traces of your whereabouts. There was a revulsion of popular feeling in your behalf — the Cache la Poudre people now regard you as we do — as a hero.

Gladys is superb. We had her here for a month in January. Everyone just went "daft" over her. [What is this feeling? Can it be jealousy?] We wanted her to stay till April, but she is full of a great adventure. The Collins people think the Sioux will be driven back to their reservation and are confident in the belief that the wealth of the upper Yellowstone country will be available to those who are first to settle or prospect there. Old Faithful starts up that way about this time — he promised to find you, too — the sheriff and a large party of cowboy and ranchers will follow in May. Mother Sanderson, Gladys, Amelia and Mrs. Vandewark go with them. Gladys is the real spirit behind the movement. I think I know why. Do you?

Do take care of yourself, my dear boy, keep out of danger, and come back to us soon — to home and love and friends, to your father and to

YOUR LOVING MOTHER.

Josselyn leaned his head on his hands. A strange tumult raged within him. He heard approaching horses.

"All ready, sir." It was Buckskin Joe.

"Oh, Joe, great news. A Collins outfit is going up into the Yellowstone — will be there as soon as Terry rounds up the Indians."

"Who be they?"

"Sheriff Mason, the Sandersons, the Vandewarks —"

"Amelia?"

"Yes and her mother."

D. F. Barry, Photo

Fort Abraham Lincoln, from the only photograph of it, taken in 1886

This post was established on the west bank of the Missouri river, about four miles from the present city of Bismarck, North Dakota. It was Fort McKeen from June 14 to November 19, 1872. It was abandoned in 1891. Hardly a trace of the buildings illustrated above remained in 1905. There were quarters for six companies. General Custer was stationed here, with the Seventh cavalry, in 1873, and this was his headquarters until he marched out May 17, 1876, upon the ill-fated expedition from which he was never to return. From Mrs. Custer's description of the departure: "The cavalry and infantry in the order named, the scouts, pack-mules and artillery, and behind all the long line of white-covered wagons, made a column altogether some two miles in length. It seemed to stretch out interminably. The wives and children of the soldiers lined the road. Mothers, with streaming eyes, held their little ones out at arms' length for one last look at the departing father. All the sad-faced wives of the officers, who had forced themselves to their doors to try and wave a courageous farewell, and smile bravely to keep the ones they loved from knowing the anguish of their breaking hearts, gave up the struggle and fled inside when the band struck up 'The Girl I Left Behind Me.'"

"God, what a risk." Joe spoke with a depth of feeling Josselyn had never before thought possible in the man. A cold sweat came out all over Buckskin Joe as he said:

"Hurry. We must meet them. They may be killed if we don't."

"I will return with Gladys," Josselyn said to himself, as he leaped into the saddle.

The two were soon far on in a journey the events of which none could foresee.

* * * * * *

Now at last the camp was quiet again. Lights were all out, save the embers at the mess tent near the 'Rees' quarters. Even Custer slept. Yet a certain uneasiness might have been detected among the Indian scouts. At last one of them silently crept up to the muffled figure of the courier still huddled before the fire. The half-breed, not to be surprised, jumped to his feet, drawing his revolver, his blanket falling to the ground.

"A Sioux, hi, hi, a Sioux," yelled the creeper, as the courier dashed off like the wind in the direction of his pony. The other 'Rees were after him on the instant, shrieking like mad and shooting rapidly as they sought to surround the fugitive. He, however, succeeded in mounting his horse and would have escaped but for a bullet that hit the pony in the head, as another broke the fugitive's arm, while a third shot, as it afterward appeared, penetrated his vitals.

The whole camp was again in uproar as the Arickarees returned and rode up to headquarters with their prisoner.

"What is the meaning of this?" Custer demanded, as he opened the flap of his tent to meet them.

"A Sioux spy—not a courier. Treachery," said the chief of the 'Rees, with grave Indian brevity, in a low tone, yet which could be distinctly heard, so utter was the silence of the several hundred men who had gathered about in various stages of undress, among them Rudolph, their faces filled with questioning eagerness.

"What have you to say?"

Custer asked, turning to the supposed half-breed, who, though he sank to the ground faint from loss of blood, it could now be seen was a full-blooded Sioux.

There was no response from the dying Indian, but his eyes roamed the crowd with a malignity of purpose that did not escape the general.

Addressing him in the Sioux tongue, Custer proceeded:

"You heap brave Indian. Talk and I will make you free. If you don't, I kill."

Still no response.

"It was some enemy who wished you to die that sent you on this errand," continued Custer. The surmise was evidently correct in part, for the red man nodded affirmatively, but ever so slightly. He was weakening.

"Who sent you?"

"Rain-in-the-Face."

A growl from the assemblage greeted this revelation.

"Where did he get the letter."

"White man!"

A still more ominous sound swept through the crowd, in quick recognition of the treachery that had been practiced.

"Did he tell you what white man gave him the letter?"

"Yes."

"Who was it?"

The question came out like a pistol shot, in the absolute stillness, for every man was now rigid with intensity, hardly breathing lest he might miss the reply.

Painfully and slowly, Running Deer raised himself on his left arm. An involuntary groan of physical anguish escaped him. His eyes roamed the throng with ever-increasing hate, but apparently with disappointment. A moonbeam just then flooded the scene with a weird light. Rudolph, carried away by an uncontrollable impulse, stepped to the front. His face was ghastly, and at that moment was thrown into still brighter relief by the lanterns' ray.

The Indian's eyes caught Rudolph's as a snake hypnotizes his victim. Rising majestically to his full height, with a supreme effort, all the pent-up fury of hate and revenge playing across his countenance, Running Deer lifted his arm with a quick but graceful motion, and, pointed his long sinewy finger at Rudolph, said in English :

" He ! "

Then the magnificent figure — which, even to the unlettered, had seemed an avenging demon — collapsed. The Sioux was dead.

The guards jumped for Rudolph simultaneously with the indication of the Indian's accusing hand. He was too spellbound to resist. Suddenly he became limp — nothing was left to sustain him, now that the innate cowardice of his organism asserted itself.

Oh, the disgust with which the noble Custer gazed upon this apology for a man, as he said :

" Arrest."

Then turning to the officers :

" Drumhead courtmartial — quick ! "

But Rudolph, overcome by the apparent success of his revenge upon Jerome, his insane gloating over which blinded him even to the instinct of self-preservation, as he was being dragged away turned and snarled out :

" I did it — I've had my revenge — do what you please with me. But your turn will come next," and he glared at General Custer, and at his brother Colonel Tom Custer, with the eye, not of a lunatic exactly, but with an intelligence so prophetic both officers shuddered.

* * * * * *

Not long after could be heard, above the subsiding noise of the camp, the order :

" Squad fall in."

Then the measured tread of marching feet — one step halting and out of unison, as the squad moved off across the prairie in the now bright moonlight.

" Ready, aim, fire ! "

So still it was that even at that distance the command could be heard throughout the camp.

A volley as from one gun. The sound of shovels in the dirt, of earth thrown upon earth. The squad returns, but without the one whose halting step had emphasized his presence to the listeners.

An officer reported to Custer, solemnly:

"Sentence found and executed, sir!"

Turning into his tent, Custer murmured, as though to himself:

"Two men sacrificed for one cur. Bah!"

Photo, copyright, by D. F. Barry

Rain-in-the-Face

This remarkable Indian (see pages 145 and 146, also Note 43, page 201) died peacefully at Standing Rock reservation, South Dakota, 12 September 1905. Of late years he was a member of the Indian police. Most of the stories about his actions on the Custer battlefield are base fabrications.

PART *Three*

Military Department of Dakota

SCENE *Two*

After the Massacre

"Why, it's Old Faithful, sure"—Page 174

After the Massacre

"WA'LL, now, I reckon this yer's rale comfy," ejaculated Mother Sanderson, contentedly, seating herself with a satisfied air on the ground near the camp fire upon which the noonday meal for the emigrants had been prepared.

(Is this habit of the human race to gather around the fire, whether under the starry skies or amid the luxuries of home, a survival of the fire-worship of our primitive ancestors?)

"It do be right smart perky, shore," chimed in old lady Vandewark, with the peculiar complacency with which elderly people enjoy a fresh taste of their youthhood experience.

"Must be just like old times, when you and Pa came across the plains in '59," added Amelia, taking in at a glance the whole scene and the plains round about.

"Yes, even to the prairie schooners and the bull teams," Gladys added with animation. "But you know I'm not reconciled yet to this mode of locomotion. Oxen are too slow — I want to go like the wind!" The remark was accompanied by a snap of her dark eyes and a dash of motion in her lithe figure that was its own best emphasis.

"Now, Gladys, don't you say nothin' agin them bull teams," replied Mother Sanderson, shaking her finger playfully at the impetuous girl.

"Them bulls gits over as much ground in er week as eny pesky mules kin. As fer hosses, a bull team will be fat an' happy-like when it's finished a thousand miles acrost ther plains, but yer

hosses be only a shak o' bones, if they be'ant dead long since. An' if yer grub gives out, yer ken eat ther bulls — which isn't sayin' that mule flesh or hoss meat won't keep soul an' body togither, if it hez ter, but give me bull hide insted, if yer please!"

Mother Sanderson gave her head a characteristic toss as she ended this tribute to her favorite form of motive power.

The little train of emigrants had made its way leisurely from Fort Collins northward to the Powder river trail, skirted the eastern foothills of the blue mountains of the Big Horn, and then meandered to the Rosebud.

"Somehow things don't *feel* just right here," Captain Mason said, when they were on the Rosebud, and after a serious confabulation, the train moved over to the Little Big Horn, where camp was made near the present site of Ionia.

The ex-sheriff, like many others, had returned from the Black Hills poorer than when he started, but had eagerly accepted the proffered command of the little party which, starting from the Cache la Poudre late in May, had planned to be the first to take advantage of the unauthorized "opening up" of the Yellowstone country that would follow the "rounding up" of the Indians by the army. Instead of being discouraged at his failure in the Black Hills, the ex-sheriff was more ready than ever for a fresh adventure — typical of the state of mind that often possesses even sensibly conservative men, once they have tasted the fascinations of pioneering or prospecting in the alluring west.

"Cur'us that we don't h'yar nothin', nor see no signs" (of Indians), the veteran teamsters agreed.

"I calculate Custer has driven off the whole outfit before this," Captain Mason replied, "but we won't take any chances."

So the prairie schooners, a pitiful baker's dozen in number, were placed in the customary semicircle with more than usual care. The two containing the bulk of the supplies, and the wagon occupied by the women, stood endwise to the fire, their tongues outward; the other wagons were placed sidewise — ("makes more of er show," one

old teamster explained, almost pathetically, in answer to Gladys' questions). The bulls were herded close by, instead of being allowed to range; every horse was picketed. Such guns as were not being carried by the men were stacked ready for instant use. All the yokes for the cattle, and saddlery for the horses, were carefully collected within the protecting pale, the two ends of which rested on the creek. A few boxes and bags of supplies were unloaded, and with two or three long-handled frying pans, a kettle and coffee pots, lent an odd homeliness to the scene. A further touch of domesticity was added by the "wash" — stockings, handkerchiefs, a waist and skirt, and the like — that hung on a driving-line stretched from a tree to one of the wagons.

With an ill-disguised attempt at resignation, Gladys seated herself beside Mrs. Vandewark while Mother Sanderson was delivering her homily. The two old ladies were knitting calmly, quite as unconcerned and as much at home as though on their own ranches instead of being in the heart of the Indian country.

But Gladys was full of life and daring. The journey across the plains had been most exhilarating, and the health and spirit of the young woman were so heightened by the experience that she could hardly restrain her impulse to go faster and everywhere.

This never-failing stimulus of prairie and mountain is one of Nature's wise provisions for recuperating the mind and body, and by fascinating us with the charm and zest of expanse and uplift of rarefied atmosphere, inspire us to pause in our mad career occasionally to pay homage to Mother Earth and to "cast aside half-truths and grasp the whole." In such environment the soul soars freely, and even the feeblest mind imbibes some inkling of the marvelous fact that —

> "A thousand Unseen Hands
> Reach down to help you to their peace-crowned heights,
> And all the forces of the firmament
> Shall fortify your strength."

Unconsciously attuned to these mighty forces, which played upon her impulses

> "Like music by the night wind sent
> Through the strings of some still instrument,"

Gladys gazed out upon the scene with eyes that missed no detail but yet suffused the whole with the harmony of true love and the romance of unsullied youth. She saw the valley, here quite narrow, opening more widely northward into that terra incognita which was to contain the fulfillment of her dreams. The river, its wanderings indicated now and anon by a fringe of cottonwoods, here debouched generously from the adjacent bluffs, which even she realized were too distant for an enemy upon them to command the camp. The landscape to the south blended into the sky-line with apparent evenness, but to the north and east the horizon was dotted by sundry buttes or kopjes — those enigmas of the prairie that appeal so powerfully to the imagination. "Like some dreamy eyes whose mystery we only half surmise," the haze and color of the Big Horn mountains imparted to the southwestward aspect a charm that found singular response in the girl's heart.

The still brownish-gray or red of the uplands that flanked the valley with their protecting ramparts, brought out yet more strongly the fresh verdure of the intervale about the camp, for it was now the twenty-eighth day of June, and the spring rains still nurtured the emerald carpet along the river.

The center and gem of this harmonious setting was Gladys herself, radiating life and sparkle beyond the powers of the most brilliant diamond "with purest ray serene."

"Oh, isn't it fathomless, beautiful?" Gladys exclaimed, more to herself than to her companions.

The old ladies deigned no response — to some degree, doubtless, they felt the charm, but habit and experience concentrated their thoughts upon their humble task.

Amelia, too, more shallow in her nature, yet true as steel in

character, answered in a nondescript affirmative, without turning away from the broken mirror hanging at the wagon's end, before which she was prinking.

Suddenly a hand reached around the corner to snatch the glass. Like a flash, Amelia clutched the arm, and crying, "Now I've got you," dragged Osgood into the arena. Gladys sprang to her aid, and between them the two powerful girls had little trouble in downing the lad, in spite of his struggles.

"Will yer quit? — promise never to do it agin, on your soul and honor?" Amelia gasped, breathlessly, as she knelt on the squirming boy, while Gladys held his arms.

"Yep — I'm beat fair," Osgood answered, and was allowed to regain his feet, as unterrified as ever.

"Now, Milly, you childers hadn't ort to take on so," Mrs. Vandewark smilingly reproved.

"By jiminy, but I'm hungry!" the boy burst out.

"Why you hain't but jest hed yer dinner," retorted Mother Sanderson, "but fry a flapjack if yer want, there's a little batter left."

Osgood was happy again. Pouring the mixture into the pan, he poked up the fire, and as he was about to put the pan on, said to Gladys:

"Kin yer flap a flapjack?"

"Of course — see!"

She browned it well on one side, gave it a toss and — the batter-side came down over the edge and splashed into the fire! They all laughed.

Somewhat scornfully, Osgood took the pan, filled it, held it over the fire a bit, then giving it a deft turn tossed the cake high in the air and caught the cake perfectly in the pan, batter-side down.

"Easy enough when you know — like drivin' mules," he sagely remarked.

They were all busily quiet for a few moments, as Osgood continued his cooking, until he broke out again:

"Say, Milly, how do yer spell Jesus?"

"What a question! J — e —"

"Wrong. It begins with a small g!"

"You wicked boy," both girls shouted, jumping for him, as he grabbed his cakes and fled.

During this homely by-play, it might have been noticed that the men of the party were silently congregating at one side with Captain Mason, who was talking intently with a couple of the scouts that had just come in. The movement had not been lost upon Mother Sanderson and Mrs. Vandewark, whose early experience had taught them what such actions might presage. The two women, oblivious to the concluding frivolity of the young folks, were now watching with serious faces the little group of men.

Amelia was first to feel the advent of a new influence, but Gladys was first to scent real danger. The girls joined the two women, and the faces of all showed an anxiety they would fain conceal.

"There's been a fight off to the eastward within a week," one of the scouts reported to Captain Mason in a tone so low the women could not distinguish what was said.

Captain Mason inquired hurriedly, "How do you know — seen anyone?"

"Not a soul! But over on the Rosebud, a few miles above where we camped, I found a big Indian trail and signs of a fight — the troops went off west, the Indians north."

"Strange that we get no word about either Custer, Crook or Gibbon. They was to hev the Injuns all rounded up afore now," Vandewark suggested.

"Our half-breeds don't get no news either," said one of the teamsters. "They's onter Injun ways, too, and would know what's going on long afore any white man."

"I've been expecting Old Faithful would show up before this," continued Captain Mason. "You know he was to join Custer, see the Indians driven off to their reservations, then was to meet us down on the Tongue river and pilot us into the best country for settlement."

"Either the army has licked ther Injuns clean out, or the red divils hev wiped out Custer!" was the opinion of the oldest man in the group.

"What's the matter with you, Avery? The idea! Why, Custer can lick the whole Sioux nation with the Seventh cavalry alone!"

"Mebbe, and mebbe not," Avery doggedly replied. "He's sometimes too reckless to suit me."

Unable to longer restrain herself, Gladys went over and asked Captain Mason:

"What is it? Do you think there is any danger?"

"Can't tell, get ready for trouble," the captain replied, shortly.

She rushed back to the women and spoke to them quietly. In accordance with previous instructions, they whisked into their wagon the "wash" and everything else of a feminine nature, themselves included—for one of the cardinal principles in Indian fighting is not to let the enemy become aware of the presence of women, for fear that lust be added to the Indian's implacable hatred.

"Don't be scared," Amelia said reassuringly, as the women ensconced themselves in such fashion that, on the instant, they could lie down flat in the wagon bottom and cover themselves with robes and canvas, "there won't be no danger so long as Joe's with Custer."

"And Josselyn, too," whispered Gladys, tenderly.

Neither tried to hide their blushes. The two old women exchanged glances, smiling in spite of their danger.

"Yer cain't never tell what's going on in a country like this, no way," commented Vandewark seriously. "It's so broke up with hills an' hogbacks, an' bluffs an' valleys an' buttes, a big battle might be fought within half a dozen miles an' we never know it."

"That's right, couldn't even hear the shooting if the wind was against us," Captain Mason nodded, his face becoming still more grave. "Perhaps we have made a mistake to get in so far. But we've got to see it through now. Hullo, what do you see, Osgood?"

The boy, who had been a silent but eager listener, was now straining his eyes northward, pointing to a speck that seemed to be moving upon one of the distant hills.

"Injuns, sure," coolly spoke up an old teamster.

Not a word was uttered as each ran for his gun and looked to

his cartridge belt and canteen. Cattle and horses were brought in closer. Water pails were filled.

"There they are, right over that bluff there," Osgood cried excitedly, as the bare head of an Indian showed itself, apparently covered with something white.

"Hold on, don't waste your cartridges, men."

The captain was as cool as a cucumber.

Every gun was ready.

"It's a flag of truce!" cried one.

As the solitary horseman came into nearer view, Vandewark exclaimed:

"Why, it's Old Faithful, sure!" They dropped their guns and the circle opened to receive him.

The Indian fell from his pony, exhausted. His cheek was cut, eyes bloodshot, his coat of skin was torn as with ragged bullets, his face blanched with fright and dismay.

"My God, man, speak!" cried Captain Mason, as the Indian leaned heavily upon his supporters, too dazed to reply.

"Custer —"

He fainted before he could say another word.

Water thrown in his face and whiskey poured down his throat by the excited men, assisted by the almost frantic women, soon restored Old Faithful. Sitting up, he managed to get out the words:

"Custer dead!"

"Impossible" was the word in every eye, as each looked at the other incredulously. Gladys and Amelia grasped hands convulsively.

The Indian vouchsafed:

"Big fight day before yesterday. All Custer's men killed. I rode to Terry for help, then came here."

"How did it happen?"

"Custer led couple of hundred troopers in charge against what seemed three four hundred Indians. They led him on an' on, miles from rest of soldiers. Looked like he was in for big victory, when thousands Indians rushed out of ravines all 'round."

"Well, didn't he send for reinforcements?" broke in Captain Mason.

"Yes, but they didn't come," responded the half-breed with a shudder that expressed eloquently the disappointment which the little band must have felt when they realized that succor was not for them.

"Troopers dismounted, fought like men, Indians like devils. Soon soldiers all dead."

It sounded so unreal, the listeners were so spellbound, not a word was uttered by them until Vandewark, his voice trembling with emotion, tears streaming down his roughened visage, inquired tenderly:

"And Custer?"

"Fell last, surrounded by officers."

"What then?"

"Oh, my God! Brave men cut, stabbed, opened, disemboweled!"

The convulsion of horror and repugnance that shook the listeners was even more terrible than the effort Old Faithful had made to narrate the facts. Every eye was wet, every heart almost bursting.

"But the Sioux — where are they?" broke in Captain Mason, the instinct of self-preservation overmastering dismay at the defeat and pity for the dead.

"Trailing northward. But look out for stragglers. Terry, Gibbon, Crook all arrived, just over the hills, only a few miles."

Thus reassured, Captain Mason asked in awe-struck tone:

"Did you say *all* were dead?"

The two girls braced themselves for the reply.

"Every one — I alone escaped." [45]

It was said with the bitter despair of which only Indians are fully capable.

"Brace up, Milly," said Gladys in vibrant tones, as the girl was about to faint. The women reached out lovingly to lead the girls away.

"No, wait," said Gladys, strangely composed, and going up to the Indian asked:

"Were Josselyn and Joe in the fight?"

"I suppose so. I heard in the night they had got back from long scout. No one lives but me. Listen!"

Faintly upon the breeze from the north came the solemn taps of a funeral bugle call.

"It must be Terry burying the dead!" Only Captain Mason spoke, with a solemnity that was a requiem.

Mrs. Vandewark carried Amelia's limp form to one side, lavishing upon her all the sympathy and caresses of a loving mother.

But Gladys walked proudly erect, deathly pale, with a strange thoughtfulness in her face.

"Help Milly, mother," she urged gently, and stood there thinking.

Meanwhile the men plied Old Faithful with questions, all now talking at once, in their excitement, and making quite a din.

"Stop!" It was Gladys again. She had left the women and coming back to the Indian leaned over him.

"Now answer me this, Faithful. Think carefully. Remember I saved your life once. [The Indian gazed at her gratefully.] You did not yourself see either Josselyn or Joe?"

"No, among so many."

"When did they leave Custer, and what for?"

"About three weeks ago to scout to the north and report to Gibbon."

"They are not dead!"

Gladys spoke with conviction, but the men shook their heads doubtingly, sorrowfully.

These exciting incidents had so centered the attention of all that the bark of the camp dog for once went unheeded. But now the noise of some animal making its way through the brush by the river caught Amelia's sensitive ear. She was in that peculiar state in which

a woman's whole nervous system seems to be attuned to catch the slightest sensation. She jumped to her feet, the fire in her eyes burning so brightly Mrs. Vandewark at first feared her mind was gone, put her hand to her ear, and bending forward, listened intently. The others, catching her expectant attitude, acted as though hypnotized, while the sounds at length resolved themselves into the halting steps of a tired horse, which a moment later appeared in the clearing.

"Oh, Joe!" Amelia cried, her heart in her voice, as with one bound she reached the apparently lifeless body in the saddle and bore it gently to the ground.

Her "Quick, help!" was not needed, for all sprang to her assistance. Throwing open the tattered buckskin, she put her ear to his breast.

"He lives!"

The sturdy hand of Gladys passed to Amelia the stimulants, under the influence of which the poor fellow slowly revived.

Only a shadow of Buckskin Joe's former self it was who now drew his hand feebly, as though bewildered, across his blood-stained brow and faintly murmured:

"Tell Custer — it was lie — thousands of Indians — beware — send help, Josselyn. Oh, Milly."

Recognition came into the tired eyes for a moment as the hand sought her neck, and her fresh red lips met his in a kiss that brought the exhausted man back to life and love.

Quicker than lightning Gladys called out, upon hearing Josselyn's name:

"My horse, my horse!"

But it was unnecessary, for at this moment an even more gaunt, bloody and bedraggled form staggered into camp from the brush, and clutching by the shoulder the first one he met, whispered hoarsely:

"Where's Custer? Give him this dispatch!"

It was Gladys he had grasped, and her strong arm that sustained him ere he fell. Her eye caught his before the tired lids could close. With a superhuman effort he gathered himself up manfully,

masterfully, a vast joy lit up the weary eyes, and holding out his torn and begrimed hands:

"Sweetheart!" was all he said.

"My Jerome"—and Gladys folded the weary frame to her strong, virgin bosom that rose and fell in mighty heartbeats.

Old Faithful staggered to his feet and joined the silent onlookers. There were tears in every eye—a moment of supreme silence, of deep joy, then a fervent "Thank God" from Captain Mason, a universal "Amen," followed by the clapping of hands and excited congratulations.

But Osgood, startled by a sudden thought, scratched his head, then, his "nose for news" catching intuitively at the real thing, with a whoop of enthusiasm cried out:

"By the jumping Jehoshaphat, a double wedding instead of a funeral—what a scoop for the *Standard!*"

He dropped to the ground, pulled a pad from his pocket, slapped it on his knee, and his left hand fairly flew back and forth across the paper as he yelled to a friend:

"Oh, Charlie, saddle your horse, hike lively to Terry's camp—tell 'em to rush this press dispatch from the first telegraph office they reach, and—damn the expense!"

Osgood

D. F. Barry, Photo

Sitting Bull

EPILOGUE

Cache la Poudre

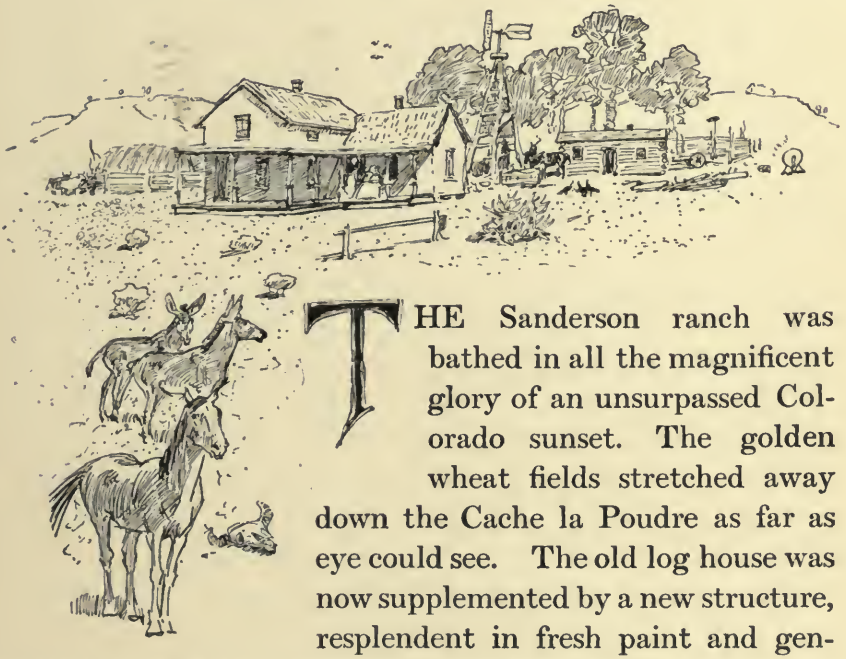
CONCLUSION

At Home on the Ranch

Custer Was a Mighty Hunter

as well as a peerless fighter of Indians. Even on the Little Big Horn campaign, he had an opportunity to indulge in the sport. This engraving is from the only photograph in existence, loaned by Mrs. Custer. General Custer wore the blue shirt and buckskin coat on the march, sometimes, as well as when hunting.

At Home on the Ranch



THE Sanderson ranch was bathed in all the magnificent glory of an unsurpassed Colorado sunset. The golden wheat fields stretched away down the Cache la Poudre as far as eye could see. The old log house was now supplemented by a new structure, resplendent in fresh paint and generous piazza, with picturesque background of cottonwoods.

The corrals and feed lots, the beautiful horses and sturdy mules, the old and new stacks of alfalfa hay, all the paraphernalia of fields, ranch and homestead, evidenced a peculiar air of thrift and contentment.

Just the human touch needed to complete the picture was afforded by a young woman on the porch, rocking gently, as she crooned a mother-love song to the infant at her breast.

Old Mrs. Sanderson bustled out from the house in a comfortable, grandmotherly way, and speaking low so as not to disturb the baby, asked :

" And how is the dear little thing now, Gladys ? "

" Oh, she grows to look more like Jerome every day."

" The idea, Gladys, of a baby eight weeks old resembling anybody ! But I declare," Mother Sanderson exclaimed, inspecting the lump of humanity and glancing affectionately from mother to child, " I do believe she favors you, after all."

Mrs. James snuggled the baby still closer, flushing delightedly at the old lady's remark, and inquired :

" It's most time for Jerome to be back, with our friends who are coming to dinner, isn't it ? "

" Yes, I think that's his team coming down the road now," answered Mrs. Sanderson, with eagerness. "And there's Amelia and Joe driving behind — and Captain Mason and Osgood, on horseback, sure as the world."

What a gladsome welcome they all received ! How simply genuine their pleasure, as they gathered around the table Mother Sanderson knew so well how to make hospitable. With what interest the guests inquired about the baby, until Amelia asked :

" Haven't you named her yet ? "

" Oh, yes," replied Gladys with feeling, as she looked into her husband's eyes.

Jerome took the hint. " Her name is Frances," he said in a tone that trembled with ill-concealed emotion.

" How lovely ! " Amelia cried, but stopped short, considerately. There was silence for a moment or two — an unuttered tribute to the departed which expresses so much more than words can convey.

Then how naturally the conversation drifted to the events one and two years before. How they lived over again all the exciting incidents of those troublous times. With what absorbing interest they discussed every scrap of information that had come to light about the Custer massacre, until Sheriff Mason (for he had been re-elected upon his return) declared :

"Well, it's no use talking. No one will ever know what happened on that battlefield. But Custer — "

Osgood, who had been comparatively silent — for him — here interrupted:

"That mystery will be solved if it takes me a lifetime!" and he brought down his fist with a bang to emphasize his remark.

* * * * * *

It did not take a lifetime, but it did require more than twenty-five years of earnest effort to ascertain and verify the whole truth.

But that is another story — or rather, it is an entirely new chapter in American history,[43] which when told must increase the public's interest in the making of the west, and add to the imperishable honor of Custer and his men.

Mystery of the Custer battlefield

Stones indicate where bodies were found. Monument on elevation in distance, near which Custer is supposed to have fallen.

ADDENDA

Cache la Poudre

NOTE *and* COMMENT

Supplementary Portraits and Paragraphs

"THE OLD GROUT"

The "Old Grout" in Fort Collins, Colorado, built in 1865 for the settlers of the post, was torn down about 1900. For twenty years the upper hall was the place for popular gatherings, whether to devise ways and means of withstanding threatened Indian raids, or for political debates, social dances, and the like.

The dinnèr given in this building in 1868 by Friday, chief of the Arapahoe Indians, is still remembered by the oldest settlers. One of Friday's squaws was a captive Ute maiden, and a party of Utes came down from the mountains to see how she was getting along. The Utes had a big feed, were waited upon by Friday's squaws, and departed peaceably, but in a few days Friday was a grass-widower. All his squaws deserted him for the handsome Utes.

Grout is the homely name for a mixture of lime or cement, sand, coarse gravel and small stones; also called concrete. The mass, when well moistened and made homogeneous, is poured into the wall space formed by boards set on edge, which are raised as the grout hardens. It makes a very durable structure. Of late years, improvements in cement manufacture and in its application to this purpose are making grout one of the cheapest of durable building materials. Yet the most efficient use of grout is indeed a lost art. From four hundred to six hundred years ago, applications of masses of concrete and of mortar were made by builders in India so successfully that those structures still stand as an everlasting monument to the lost art. The tomb of Ibrahim at Bijapur, India, for instance, is forty feet square, covered by a stone or concrete roof perfectly flat in the center and supported only by a cove projecting ten feet from the walls on every side. There are no beams, cornices or supports for the roof or the overhang. The tomb of Mahmud, at the same place, is an example of concrete construction applied to a tomb larger than that of the Pantheon at Rome. Mahmud's tomb also embodies principles of construction and support peculiar to itself, but capable of wide application. If the present generation could discover the secret of such uses of concrete, which are the marvel of the few modern architects familiar with them, this material would rapidly come into universal use for building purposes.

Addenda

JAY GOULD

(*Note 1, page 19*)

Born at Roxbury, N. Y., 27 May 1836, "of poor but honest parents," died at New York 2 December 1892, worth upward of 100 millions. He was a consummate financier, but his principles and operations were criticised with the greatest severity. He bought, bled and sold railroad and telegraph corporations, and stopped at nothing to secure legislation or court decisions favorable to his interests. He used large sums in this way. He testified before an investigating committee: "In a republican district I was a strong republican; in a democratic district I was a democrat, and in a doubtful district I was doubtful, but in politics I was an Erie railroad man all the time." Gould was also a great organizer. He consolidated numerous small railways into a few large systems, and thus introduced the "trust" idea that has taken on such gigantic proportions in these later years. While most bitterly maligned for his financial methods, Gould's private life was above reproach. He believed in paying high salaries and good wages, and once retorted to his critics: "History will record that I am the largest employer and pay the largest wages of any man of this era in the world."

BLACK FRIDAY

(*Note 2, page 20*)

24 September 1869, when the speculation in gold at New York city reached its climax of frenzy and ruin. Gould and Fisk began buying gold in March of that year, paying $132 in paper for $100 of gold money. In September the conspiracy attracted international attention, and was marked by wholesale chicanery. On the morning of the 24th, the price advanced to 165, ruin threatened all who had contracted to supply gold, when the secretary of the treasury offered to sell $5,000,000 of gold at 135, and prices fell with a crash. Gould sold out his own supply of the yellow metal before the break, which ruined his friends and hundreds of others. Frantic excitement followed, men went crazy in the crowd that surged through Wall street, Speyer's hair turned white in a night, large failures were announced, millions in contracts were repudiated, the national administration was apparently (but not really) involved, the nation disgraced and its credit broken.

This speculation hastened the resumption of specie payments, 1 January 1879, when gold fell to par and has since remained there. The stock of gold in United States treasury 1 January 1879, was only $135,000,000, or less than $2.50 per capita, while on 1 January 1904, it was nearly $700,000,000, or more than $9 per capita. World's production of gold in ten years ended 1903 was double the product of the previous ten years; for 1903, it was three times as much as in 1879. From the resumption of specie payments in 1879 to 1903 inclusive, the United States imported gold to the value of 1,155 millions of dollars and exported 1,044 millions, or a net gain in imports over exports of 111 millions.

THE PANIC OF SEPTEMBER, 1873

(*Note 3, page 20*)

was caused by a collapse in the value of railroad bonds and shares. Few would buy, everyone wanted to sell. Many big financial firms failed, headed by Jay Cooke & Co. It was the end of an orgy of speculation and crime in high places. Many banks closed their doors. The Erie stocks were not so responsible for this particular crash as the text intimates, but the vast overissues of Erie railroad shares at somewhat earlier dates, and Gould's shameless speculation therein, are the historical facts upon which the prologue scene is based.

The shrinkages from previous quotations in the "readjustments" of 1902-3 were much greater than the relative declines quoted in 1873-4. Single weeks of 1903 witnessed much more severe declines than those for which September, 1873, is famous. But there were

comparatively few failures, repudiations or receiverships in 1903, although the country had passed through an era of financial speculation in "industrials" outrivaling by far that of thirty years ago. Declines of 25 to 50 per cent in railroad shares and still more severe losses in Amalgamated Copper and in many industrials, characterized the "readjustment" of 1903. Two years later most of the declines had been fully recovered, with a few conspicuous exceptions.

JIM FISK

(*Note 4, page 20*)

FISK

It has been suggested that the "Napoleon of Finance" referred to was James Fisk. But that notorious speculator and libertine had been shot in cold blood by Edward S. Stokes as he was going up the stairway of the Grand Central hotel, New York, at 4 p. m., 6 January 1872. Stokes was convicted and sentenced to be hanged, was re-tried and convicted of manslaughter in the third degree, for which he served a short term in state's prison. He returned to New York, prospered financially, lived quietly and died in 1902. It was then stated that for twenty years Stokes had slept only in a brilliantly lighted room, because in the dark he was always haunted by the memory of his crime. The immediate cause of the shooting was a bitter quarrel over the beautiful courtesan, Josie Mansfield. This woman's power and the financial and moral debauchery of those days in New York is reflected in the fact that "in the course of the Erie railroad litigations, a judge of the state supreme court held court in her apartments and issued orders from there."

STOKES

GOULD AND ERIE

(*Note 5, page 23*)

Between 1 July and 24 October 1868, not less than 235,000 new shares of the Erie railroad were issued "on the quiet," of a par value of $100 each, and quotations for the stock fell from 81 to 35, an unprecedented decline at that time. Compare it with the drop in United States Steel common from $47 per share (par value $100) to less than $10 in 1903, or the fall of Amalgamated Copper from $130 per share in 1901 to $33 in 1903.

CHEROKEE TRAIL

(*Note 6, page 31*)

The Overland stage company's route at first followed the line laid out by the old Pony Express company along the North Platte river, but the Indians speedily taking possession of that, made necessary the change of the line further south. So the route was laid out upon the South Platte to Denver, along the old Cherokee trail just outside the hogbacks to La Porte, thence to Virginia Dale, Fort Halleck, Big Laramie and Cooper's Creek, on toward Salt Lake City. This was the trail that for unknown years previously had been followed by the Cherokee and other Indians upon their hunting trips into the mountains or upon their migrations westward. Part of the way, through Colorado, this trail had been taken by Brigham Young and the Mormon hejira from Nauvoo, Illinois, to Salt Lake in 1846-8.

THE CACHE LA POUDRE RIVER

(*Note 7, page 31*)

gets its name from the action of a French scout, Antoine Jannisse, who went west early in the last century in the employ of the old St. Louis Fur Trading Company, a concern that aspired to become for the American west what the Hudson Bay Company then was for Canada and the unknown northwest country. Jannisse left the company's employ long enough to be a trusted scout for General John C. Fremont, upon the Pathfinder's first expedition in 1842, when he discovered the South Pass of the Rocky Mountains. Jannisse finally set-

tled in the Poudre valley (then unnamed), took a Cheyenne squaw to wife, who was a "kind, good mother and faithful wife," his son told the writer. These early traders lived at peace with the Indians, and gathered rich furs in exchange for trinkets. It was not until the whites began to build forts and the soldiers to shoot buffalo that trouble began.

One night French Pete rushed breathlessly into the Jannisse camp with the news that the Apaches, Sioux and Cheyennes had taken the warpath, and were about to descend upon the camp to kill its occupants and steal their guns, powder and horses. Their supply of powder was large and priceless. "What should be done with it?" asked Jannisse, looking at his wife. She raised her hand, then let it fall by her side, pointing downward. Taking the hint, they fell to and dug a deep hole, in which the powder was placed and covered with skins and provisions, the soil was thrown back, a fire kindled over it and broken branches scattered about. They then fled, returning weeks afterward to find their cabin burned, but the powder safe. "When you get into trouble, Antoine," said the old trapper to his son, "always cache la poudre" — a remark that soon became current, and the river began to be called by that name. A depression in Pleasant valley, near the city of Fort Collins, is still pointed out as the place where the powder was buried. French Pete boasted that he never wasted ammunition, but always contrived to get two Indians in range and kill them both with one shot!

ARROYO

(*Note 8, page 32*)

is a generic term applied to a great variety of land formations, but indicating always a course taken by water when water comes. It may be deep or shallow, wide or narrow, straight or sinuous. It may accommodate a flow of water frequently, or only once in years. These dry beds of absent streams are often used as roadways, because affording the best grade or trail. The arroyo may even run for a distance between high and precipitous walls, yet the formation not be dignified by the term canyon. Sometimes a wall of water several feet deep comes rushing down an arroyo without the slightest previous warning — the result of a cloudburst at a distance. Then woe betide any who may be driving or camping in the arroyo, for if its walls are steep they are likely to be drowned before they can escape the seething flood. Instinct seems to warn cattle or other animals against such dangers.

NOSTALGIA

(*Note 9, page 33*)

the technical term for homesickness, is now well recognized as a malady of the mind, which may have most serious effects also upon the body, the will and the character. To this disease in a measure is due the death, insanity or invalidism of many a brave boy in the American army of the Philippines. Next to going home, the best treatment is to receive jolly, cheerful and encouraging letters from home.

A trace of homesickness is often manifested among many old residents at the west, in the common reference to "back home," meaning thereby their place of birth; it may be in our own eastern states or in some foreign country. Pathetic emphasis on this point was afforded by a contest conducted by the author some years ago to draw out suggestions from his western readers whereby his journal could be made still more interesting to them. Unknown to each other, more than a hundred women, from all parts of the prairie country, wrote in substance: "I was brought up on the rock-bound Atlantic coast, married, and came west years ago. I have never seen the ocean since. I am too old or too poor to go back now. But God only knows how we women have missed the ocean. Tell us about the sea."

BEGINNINGS OF FORT COLLINS

(*Note 10, page 41*)

The settlement at old Fort Collins had been made in 1864 by the removal from La Porte of Camp Collins, then occupied by Company F, Eleventh Ohio volunteer cavalry, under Captain William H. Evans. The finest residence in the fort in 1865 was the colonel's quarters, shown in the picture on next page.

Camp Collins was established as a protection against Indians. From 1863 to 1865 Indians (Sioux mostly) were so numerous and so ugly on the Nebraska and Colorado plains

THE FINEST RESIDENCE IN CAMP COLLINS, 1865

that all stages and trains of wagons traveling west from Julesburg were given escorts of ten to twenty men, unless there were over one hundred men with the train. Frank McClelland writes: "Occasionally a train would slip past the garrison, and the next company over the trail coming to the smouldering ruins of wagons and contents, would perform frontier funeral ceremonies over the scalped and mutilated bodies. The old South Platte trail was dotted with little mounds, the length of each being the only guide as to whether the occupant was child or adult. Most of the Indian murders were accomplished in the early morning, while the camps were busied with breakfast. Sometimes the trail, taken at sunrise, was followed until afternoon, and then the assault commenced. But the Indian loves his night's rest, and attacks are seldom made in the afternoon, except in case of an ambush along the road, and never at night. Government couriers riding across land occupied by hostile reds traveled at night from one point of safety to another, and thus escaped all danger of being waylaid."

La Porte, now an humble village, was the first settlement in the Cache la Poudre valley, established in 1858 by John B. Provost and a party of Frenchmen from the frontier post of Fort Laramie. It was called Colona, and the founders anticipated its unlimited commercial greatness. This expectation, characteristic of the founders of new towns everywhere, is one of the most interesting manifestations of the psychology of hope. "The visitor to La Porte can see the remains of a town that once declined to trade, lot for lot, with Denver, and even looked with contempt on the offer."

GROUT

(*Note 11, page 41*)

See description and illustration on page 188.

QUEER CHARACTERS

(*Note 12, page 41*)

Back of Shang & Pew's market was a small room in which lived and worked a queer little cobbler. A short, squatty chap, with bushy black hair, hypnotic eyes, sallow complexion, "in league with the devil" the boys used to say. Mysterious stories were told of his black arts. My own strange experience with him will never be forgotten. It was late in the evening of a dark windy night, when two of us boys sought an hour's amusement in the cobbler's shop. He seemed unusually responsive in his talk and manner and regaled us with wonderful stories, meanwhile running his hands constantly through his hair, until his whole head seemed to emit sparks and be on fire. "Now watch," he said. Taking my little cane, he rubbed it vigorously, then set it upright on the floor. "Now march to the corner," he spoke to the stick, and it went hopping across the floor as though imbued with life. "Come to me," and he beckoned to the stick, which came hopping back and fell with a clang at my feet! Was I hypnotized, or the stick? In the same fashion, he caused a lady's shoe to hop across the floor and back to him.

FEELING RAN HIGH

(*Note 13, page 42*)

between the denizens of old Fort Collins and of the new colony. The latter were at first contemptuously regarded as interlopers, "tenderfeet," and inferiors. The old settlers regarded themselves as the elite, and the old fort, with its surrounding houses, was to them the hub of their universe. They resented the idea of a new town being laid out adjacent to

their sacred preserves, the more so as the new colony ignored the "rights" of the fort to be the "center." For many years there were few buildings on the connecting streets between the two portions of the town, and only since 1890 has the feeling between the two sections been wholly obliterated.

Spite between old and new towns has been no small factor in western development. Growth of the new part usually meant decline of the old and loss of values. Rivalry between two towns to be chosen as the county seat, or for railway favoritism, is still keen in some of the newer states. Not so many years ago, the people in one enterprising Kansas town turned out en masse at night with their teams, put on rollers the frame court house that stood in a rival town, and dragged it over to their own bailiwick. At the election the next week, the voters of the county, impressed by this incident, decided by a large majority to let the county seat remain in the possession of the people who wanted it so badly. St. Paul and Minneapolis for years afforded a brilliant example of western town spite and rivalry.

MODERN IRRIGATION

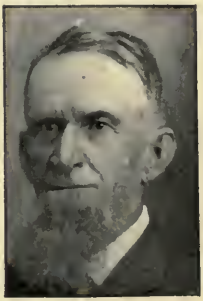
(*Note 14, page 42*)

in Colorado, which is now assuming such gigantic proportions, originated in the Cache la Poudre valley. The first ditch was a little affair taken out by one Lytton in 1859, to irrigate a small garden, near the present city of Fort Collins. The ditch was slightly improved in 1861, and greatly enlarged in 1864 by the then owner, Joshua Hull Yeager. In 1865 he sowed seven acres to wheat, the seed costing sixteen cents a pound, but the yield was forty-three bushels to the acre, which was sold for seed for twelve and one-half cents per pound. This was the first crop of wheat grown in the Poudre valley. But it was nearly ten years after irrigation had been used in the valley before it was discovered that the higher lands of the prairie were equally fertile, provided they were properly irrigated.

Irrigation is now being reduced to a science, as are other branches of agriculture. It is also being undertaken on a gigantic scale by the federal government. Under the law of 1902, proceeds of sales of public lands in the arid states are to be used for constructing storage reservoirs and main ditches. The land reclaimed by these works is to be sold only to actual settlers. Within a few years $50,000,000 will thus have been expended by government, and every dollar covered back into the treasury from sales of the lands improved. Some enthusiasts look for ideal social conditions to develop under the system of small farms and co-operative effort that are expected to result from this paternalism.

J. S. McCLELLAN

(*Note 15, page 44*)



J. S. McCLELLAN

founded the Larimer County *Express* in 1872, the first paper to be established in that section. He made it a power in local affairs, but his vigor of expression sometimes got him into trouble. One irate citizen attempted to whip him and came off with a wisp of the editor's red chin whiskers — a trophy that was long preserved. There was even more feeling between the *Express* and the *Standard* than may be inferred by the text. On one occasion Editor McClellan wrote: "We observe that the *Standard* is so poor its editor has to wash his own shirt," to which that paper replied: "It is true that we wash our own shirt, also that it is paid for, but judging from his appearance, the shirt of the editor of the *Express* is not only never washed, but resembles his other property in having a mortgage on it!" When the *Standard* gave up the ghost, the *Express* announced the fact under the big scare head, "Kerflummixed!!" every letter in which was of a different font to still further emphasize the discomfiture of its "esteemed contemporary." These amenities of journalism were then the style, Greeley and Bennett setting the example on the New York *Tribune* and *Herald*. About 1880, Mr. McClellan retired to his farm, which is today

an example of the highest culture. He is president of the Colorado state horticultural society, and his sons have attained enviable positions. He has a fine record of active service during the war of 1861-5, and the peculiarities of his editorial career were partly due to disease contracted in the army. Of late years he was a Populist leader, and candidate for congress. It was a crime against history when his successor celebrated the purchase of the *Express* by making a bonfire of the old files, thus destroying the only existing record of a most interesting period of the community's life.

ANDREW ARMSTRONG

(*Note 16, page 45*)

in 1905, still young in spite of more than eighty years, seems as hale and hearty as ever. "The same stubborn old Irishman, and is all right as long as he has his own way." He brought some capital from New York, upon his arrival in 1873, which he has largely augmented by

ANDREW ARMSTRONG

thrift and judgment, and from the first has been a leading citizen and a power — a good type of all that is best in the Americanized Irishman.

A PIONEER WOMAN

(*Note 20, page 46*)

of the genuine old-fashioned sort was Mrs. Elizabeth Stone, born at Hartford, Ct., 1801, died at Fort Collins, 1895. Her childhood was spent in the wilds of western New York.

"AUNTY STONE" AT NINETY

Married at an early age, the young couple took up a homestead on the Illinois prairie, where the husband died. Women were scarce and men plenty, so in due time she here married Dr. Stone. They wanted "more room," and journeyed by wagon to Missouri, passing through the few huts known as St. Louis. After battling with privations and ague, Mr. and Mrs. Stone sought the still rougher country of Minnesota, where Indians were their only neighbors. Coming by wagon across the plains to Fort Collins in 1864, her husband died the next year. Although the only white woman in the valley, instead of giving up, Aunty Stone now developed remarkable executive capacity. The woman, unaided, built the first flouring mill north of Denver, the first mill-race, the first brick kiln, the first brick house, "and was the first white woman to cook a meal of victuals in this town." She was "aunty" to all the soldiers, "mother" to the women, boys and settlers who gradually joined the community. She was a wonderful dancer. At a ball held in the *Standard* building, she being very nimble on her feet, although eighty-

one years old, a dozen young men entered into a conspiracy to "dance her down." Each in rotation invited her to dance with him, which she did, and kept it up until he was exhausted. At 5 a. m. the old lady still held the floor, and the last of the conspirators owned up defeated. Then she went home and got breakfast for a full house! Of sterling character and rugged sense, her influence was always good. Truly was she a maker of the west—one of thousands of devoted and capable women whose lives have built so many great and prosperous western states.

Aunty Stone's niece, Mrs. Harris Stratton, still living, ably seconded her aunt's efforts, and many a family was aided by her counsel, cheer and sympathy in the early days and since. Mrs. Harris writes: "When I first taught school here, in 1865, the windows used to be filled with the faces of friendly Indians looking in wonderingly." These were Arapahoes, who were subsisted at the fort. Their chief was Friday, who had been educated at St. Louis. "Friday's squaw showed her baby to me. Its entire wardrobe was a lovely robe of antelope skin, soft as satin, and embroidered with blue and white beads."

WATER TREATMENT

(*Note 21, page 46*)

for wounds and diseases has made great advances in the last thirty years. Still greater has been the progress in antisepsis. Yet for many forms of bruises, no method today is better than the simple one described on page 46, which did its work so well that the hand thus saved is still absolutely perfect.

"TENDERFOOT"

(*Note 22, page 47*)

a derisive term applied by old settlers generally to newcomers not yet acquainted with the ways of the country or toughened to frontier life. Of late years, the word has lost the asperity of its early meaning, and is now employed to indicate one not long in the community, without in any manner thereby necessarily reflecting upon him.

MARIANA MEDINA

(*Note 23, page 48*)

while still alive, claimed to be "the first white man" to have settled on the Big Thompson. This was prior to 1860. But he was of mixed Spanish and Indian blood, a "greaser" rather than a white man, and his "Wifie John" was a full-blooded Arapahoe Indian. He was familiarly known as "Old Mary Ann," a name that still lingers. After the death of his Wifie John, several other squaws had followed her, none of them proving of enough value to be retained, until Medina bought a white wife from one of the early settlers, paying for her with whiskey. Settlers were now becoming numerous, and they insisted upon a formal marriage. With the woman, Medina accepted two of her children, a boy large enough to be of some use, and a little girl, whom Medina tired of after a few days and threw her into the creek, from which she was rescued by an old Irish woman living near, who adopted her. Medina was very fond of his own daughter by "Wifie John," sent her to the Catholic convent in Denver to be educated, and boasted he would make a fine lady of her, but while at the convent she sickened and died. He never forgave the priests for her death, and when he himself lay dying would regard neither candle nor crucifix, host nor sacrament.

BANCROFT LIBRARY

PRESERVING LIFE IN BLIZZARDS

(*Note 24, page 48*)

The instance here referred to was an actual occurrence. Cowboys who have practiced the same thing in more than one instance have been frozen to death. When Indians are lost in a blizzard they sometimes lie down where the snow is drifting heavily, stretch coat or blanket over their head, and are quickly covered deep with snow. There is enough air in the snow covering to keep them alive, they go to sleep, and if it is not so cold as to freeze the body (which is seldom the case when snow-covered) wake up after the storm is over, when they gradually dig their way out. White men keep walking if lost in a blizzard. Live stock "drift" before the storm, much as an unman-

ageable ship is blown helpless before the gale, until they can no longer walk, when they lie down to die. It is almost impossible to change the direction of a large herd that is drifting helplessly and recklessly before the blizzard. Immense losses of cattle and sheep, left to graze on the range, are often caused by these blizzards, so much so that the range system is rapidly giving way to the more intensive and more profitable method of winter feeding in corrals, sheds and barns. Cheyenne and Ute Indians, if caught in a blizzard, throw their trappings in a pile and tramp around the heap all night, rather than run the risk of being lost in the storm.

THE TERM "GREASER"

(*Note 25, page 49*)

is usually applied contemptuously to "low-down" Mexicans, or Spanish-American degenerates. The typical greaser perhaps has more Indian than Spanish or Mexican blood, and combines the worst elements of all three races. He is vindictive, traitorous, irresponsible, given to thievery and murder. He takes to stealing horses as a negro does to stealing chickens. To apply this term to a Mexican gentleman is to offer a deadly insult. The mass of Mexicans and peons do not share the characteristics of the greaser, however, though often included under that appellation by quite intelligent Americans who should know better.

"THE HANGING BEE"

(*Note 26, page 51*)

was a necessity in the old times when horses roaming the prairies were so attractive to thieves that capital punishment was the only protection for owners of this form of valuable property. The horse thief was hanged without trial or mercy, and with the utmost promptness, yet seldom so quickly as to preclude a large attendance. To what extent is this rough-and-ready administration of justice on the frontier responsible for the present day habit of negro lynching?

THE UTILIZATION OF UPLANDS

(*Note 27, page 51*)

and mesas is comparatively recent in the irrigated west. The valleys proved fertile when watered, but to this day, the adjacent upland mesas are thought to be worthless in many sections. If irrigated, or even if favored with only a few inches of rain, these uplands usually yield large and profitable crops.

THE GREELEY COLONY

(*Note 28, page 53*)

was founded by Horace Greeley, about 1870, soon after uttering his famous dictum, "Go west, young man, and grow up with the country." In 1874, the town had fine brick schoolhouses and a tax of $55 upon each $1000 of assessed valuation! The deed to every foot of land specifies that title shall be null and void if liquor is sold thereon. Which reminds me that the only man that ever made large profits there, in those early days, was an ingenious Yankee who invented a non-alcoholic pop, in color to match any liquor, and sold it at five cents a glass — couldn't supply the demand! Greeley is now a thriving little city, famous for its potatoes and beet sugar, still more remarkable for its good citizens and happy homes, and notable for the general prosperity of all its people, few rich, none poor. "The Greeley idea" has proven successful, and has been imitated with more or less success by many other colonies in various sections.

HIGH INTEREST RATES

(*Note 29, page 57*)

From five per cent per month down to two per cent per month were the interest rates for loans on ranches, cattle or chattels, in the early settlement of the west, 1860 to 1880. To borrow usually meant bankruptcy. The Younts' bank afterward "busted" because it had to foreclose on a vast amount of lands for which there was no sale except at ruinous prices, until better times and cheaper money restored agricultural prosperity. This reminds me that when I first revisited Fort Collins, in 1894, the silver craze being at its height, an old friend criticised my monetary views and said vehemently: "The gold standard is killing us — why, we have to pay six or seven per cent per annum on farm mortages, and no farmer can stand that." He owned up beaten when I remarked that a policy which in twenty

years had reduced the interest rate from three per cent a month to six per cent a year was a pretty good one to tie to.

GRUB STAKES

(*Note 30, page 57*)

is the term applied to the outfit of a miner, prospector or traveler into an unknown region. The miner needs sufficient food or grub to support him and his burro, mule or horse, until he has found a prospect worth staking out or laying claim to. Then he must be supported until he has developed the mine sufficiently to prove its value. The person who supplies the grub stakes usually furnishes a minimum supply for a maximum consideration — that is, in return for supplying the outfit he is to have say a half interest or more in whatever property or prospect the miner locates. This agreement is seldom in writing, but is usually lived up to with scrupulous exactness. It can be enforced in western courts to the very last extremity. To "go back on" the man who has grubstaked you is to put yourself outside the pale of self-respecting men.

THE CURIOUS THINGS

(*Note 31, page 62*)

men do in a rush for a new gold claim are on a par with their actions at a fire. The passes into Alaska, during the rush a few years ago, were strewn with all manner of useless articles left by those who had foolishly overburdened themselves with non-essentials. Hocker's attempt to go to the Black Hills with a drug store was not as crazy as many other efforts. He got back alive, which is more than could be said of some.

THE ROUND-UP

(*Note 32, page 85*)

in earlier times, was often an occasion of unlicensed deviltry. Early in the seventies, the Colorado legislature enacted statutes to regulate the round-up. These laws still exist in some of the other range states. One of the best brief descriptions of the round-up is given in Sarah Elizabeth Howard's book, "Pen Pictures of the Plains."

The Round-up

The lovely days of spring have clothed the plains
With fresh, sweet grass, and spread a welcome feast
Before the wandering herds. The cattlemen
Prepare to "round" their creatures "up," and learn
The loss or profit of the year. For weeks,
The country to be traversed, and the place
To meet each day with gathered herds, has been
Decided on, and advertised, that all
The owners with their men may gather where
Their cattle range, and do their share of work,—
And claim and brand their property. One man —
A chosen captain — plans and orders all.
From every side they come, with ponies fleet
Of foot, and trained to hold the struggling beasts
When riders' ropes have checked their utmost flight;
With cowboys skilled in throwing lariats,
And reading brands obscure, or tampered with;
With men to cook and drive the wagons, filled
With blankets and with food supplies, to each
Day's camping place; with irons that shall brand
The owner's undisputed claim upon
The luckless calf.

Prepared to live upon
The plains for weeks,— to sleep upon the ground
In blankets wrapped, these hardy plainsmen go
Far to the eastern limit of the range
Their cattle feed upon, and "round them up"
By sending riders on a circuit wide,
To gather every animal that shows
A brand belonging to the men for whom
They work. A camping place is chosen where
They wish to have the first day's round-up brought,
And there the cook is found, prepared to feed
The hungry men.

The first red streak of dawn
Is signal for the start, and silently
The horsemen vanish on their tiring quest,
Each, with his ground to cover pointed out.
The river flows upon the south,— some search
Its banks; another party follow up
A tributary stream, and others scour
The distant bluffs, and all the land between.
Well past the hour of noon, the cowboys with
The herd appear, and men detailed for their
Relief ride out to guard the band, while they
Who gathered them, refresh the inner man.
Again, a mammoth stage, and actors skilled.
Around a smouldering fire a group of men
Are heating irons, each of which shall sear

Upon the owner's living property
Its quaint device. The mounted cowboys, spurred,
With lariats in hand, dash in among
The herd, and singling out the animals
They want,—give chase. The race is short, the rope
Well thrown, soon stops a creature's flight. Half dragged,
Half running, it is quickly taken where
The branders wait to do their work. Each man
Keeps tally of the calves he brands, and so
The census of the bovine family
That roams the plains, is taken. Animals
No longer wanted are turned back upon
The range from whence they came; those held as beeves,
Or held to drive upon some other range,
Must be well guarded, day and night, and men
Take turns at that. With little change the work
Goes on from day to day. Each camping place
Is chosen for the chance it furnishes
Of water for the men and animals
And well for them if it may be a clear
And flowing stream.

This hard exciting life
Is lived, until the prairies have been scoured
From Julesburg to the mountain towns, and well
Across Wyoming's line. Disbanded then,
The round-up waits another call.

MONK, JULES, SLADE

(*Note 33, page 94*)

Hank Monk, the redoubtable western stage driver immortalized in Mark Twain's "Roughing It." The same book also gives a characterization of Slade. His torture of Jules was as described on page 93. None dared to bury Jules' body, and it was torn to pieces by wolves. Jules' wife lost her mind as a result. The latter incident is the subject of the poem "The Trail," in Marion Muir Richardson's "Border Memories."

PLUM CREEK MASSACRE

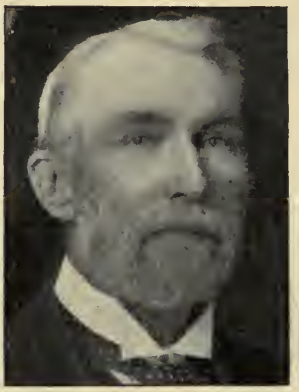
(*Note 34, page 94*)

on the Union Pacific railroad in Nebraska, in 1866. After capturing a freight train there, 1500 armed Indians plundered and burned it, stuffing the fireman alive into his firebox. The engineer was shot and scalped, but was nursed back to life by Mrs. John J. Bush, now of Livermore, Colorado. She was en route to join her husband on the first passenger train to reach Plum Creek after the massacre. The train was guarded by forty soldiers, who held the Indians at bay until help arrived. While she was nursing the engineer in the passenger car (in which she was locked, to be shot by the soldiers rather than fall into the hands of the savages), the Indians held a war dance about her car, dressed in finery from her own trunk, and maliciously waved the fresh scalp from a murdered woman in token of the fate that awaited her. After the rescue by a company of soldiers, Mrs. Bush pushed right on west, taking the first stage to go out after the massacre, and being strapped on so that she would not be jolted off or shot off. She is a type of the dauntless women pioneers who braved everything to develop the west. Mr. Bush is a prominent citizen, and in 1904 the couple celebrated their fifty-fifth wedding anniversary.

ABNER LOOMIS

(*Note 35, page 97*)

is a type of the pioneers who have made the west. Born in New York in 1829, educated in an Ohio log schoolhouse, youthhood in young Iowa, overland to California in 1850,



ABNER LOOMIS

mining there for ten years, drawn to Colorado in 1860 by the Pike's Peak excitement, finally settling in the Poudre valley that year.

Ranchman, farmer, Indian fighter, freighter across the plains and into the mountains, cattle raiser on a big scale, a large landed proprietor, merchant, banker, he was early prominent in the formation, as he has been almost ever since in the government of the county that he has done so much to develop. Too modest to run for the state senate, a life-long democrat, he says: "I never vote a straight ticket, and want to be whipped if I ever bind myself to vote as any party dictates." He is the "real thing."

DIED WITH HIS BOOTS ON

(*Note 36, page 103*)

"To die with his boots on" was considered a disgrace among desperadoes, as indicating that one's antagonist was the superior. Either he shot first or more surely, or in some way got the advantage that killed his enemy suddenly. A western desperado started out to "do up" a man, but the latter "got the drop on" him and mortally wounded him; as his friends rushed to him, the dying man groaned "pull off my boots, boys," his last thought being to avoid this disgrace.

In the army, on the contrary, to die with one's boots on is considered an honor, as showing that the soldier did his duty like a hero. In the wars against the Indians, the soldier who was found to have been killed by falling backward as he was shot squarely from the front, was often eulogized by his comrades as one who "died with his boots to the foe."

My record of 264 "bad" men who infested the far west between 1860 and 1885, reveals the singular fact that up to 1905 all but thirty of them had "died with their boots on," that is, had met violent deaths. Of the thirty, only four are now living — one a reverend gentleman, whose success as a preacher is his method of atonement, another is a circuit judge of distinction, the third is a paralytic living in retirement, and the fourth is an honest God-fearing laboring man.

CONSUMPTION OR TUBERCULOSIS

(*Note 37, page 104*)

Thirty years ago, and much more recently also, it was the custom for consumptives to stay at home in the east until incurably diseased, and then to seek Colorado only to die. Yet even a goodly percentage of these recovered. I remember a young man who had terrible hemorrhages of the lungs for three days after his arrival at Fort Collins, but on the fourth day was carried out miles onto the prairie, given a few provisions, and left in charge of a bunch of sheep. He came back to town four months later, the picture of health, rose to be attorney-general of the state and later went to congress. Of late years, the profession and the laity have come to recognize the importance of applying the climate treatment and outdoor life in the very earliest stages of the disease, also of having due regard for altitude, humidity and environment in different phases of consumption and with different temperaments. The treatment of tuberculosis has certainly made vast improvement since 1875, and the time may yet come when "the great white plague" will be as much a matter of history as is now the black death of the middle ages.

SOIL EXHAUSTION

(*Note 38, page 105*)

It was then believed that, under irrigation, the soil was inexhaustible — an idea that still prevails. Less than twenty-five years ago, stable manure was burned or dumped upon the ice of the Cache la Poudre, just as was done earlier in the Genesee valley of New York. Now plant food is at a premium in both sections. The average yield of wheat in the Poudre valley for the past six years appears to have been only about half as much as the crops in the early seventies. This in spite of the unusual percentage of potash in the irrigation waters of that section.

CLIMATE AND CHANGES IN IT

(*Note 39, page 105*)

The nights were dry in the early seventies, without dew, before irrigation became general. Now the dews are often heavy about Fort Collins and the evening air quite humid. Culture of the soil and irrigating certainly ameliorate the climate. If accompanied by

tree planting, the increase in crop production without artificial irrigation is marked in sections that were entirely arid years ago. A certain school of scientists have denied this, but the evidence in its favor has now become overwhelming. Thus vast areas between the 95th and the 105th meridian have been modified into a desirable agricultural country during the past thirty and forty years.

IDENTITY AND ANTECEDENTS

(*Note 40, page 111*)

The people of the west accept men and women at face value, for what they are. They don't care who your ancestors were, or what your pedigree may be — you yourself must stand upon your own merits, and by this measure only are people gauged in the west. This is in marked contrast to the east and south, where family and social position still create artificial conditions. Many a man who has committed some indiscretion that might keep him down if he stayed at the east or south, has sought a new field in the broad and generous west, and there has achieved character, usefulness, fame and fortune.

ALFALFA (Medicago sativa)

(*Note 41, page 120*)

one of the clover family, a most important economic plant. It grows so rapidly upon good soil when irrigated as to yield from two to eight cuttings per year in the southwest, each yielding one to three tons of hay per acre. It is rich in nitrogenous matter (protein), and therefore most desirable feed for live stock, either green or cured. Alfalfa has remarkable powers of assimilating nitrogen from the air in the soil and from the atmosphere, through the agency of nitrifying bacteria that thrive in minute nodules upon its roots. This explains why land upon which alfalfa is grown increases in richness and productivity. Like the other clovers, it will not thrive in the absence of these bacteria. Alfalfa bacteria are now sold in a form available for application to either the seed or the soil, and when these germs are present, alfalfa seems to adapt itself to soil and climate throughout the United States. While slow to start, once well rooted its roots will go great distances (twenty-five to seventy feet) in search of water to withstand drouths, yet it does not thrive with "wet feet."

EVIDENCE OF WITNESSES DEAD OR ABSENT

(*Note 42, page 125*)

Evidence given at a former trial of the same action, whether civil or criminal, involving the same issues and between the same parties, is admissible when it is shown the witness is dead, insane, deathly ill or is kept out of the way by the adverse party, or perhaps when he cannot be found.

Who may testify —Anyone who heard the former testimony may give evidence as to what was said. Emery v. Fowler, 3 Me. 326.

As for instance an attorney, Earl v. Tupper, 45 Vt. 275.

The witness need state only the substance of the testimony. Lime Rock Bank v. Hewett, 52 Me. 531; Emery v. Fowler, 39 Me. 326; Wung v. Dearborn, 22 N. H. 377; Marsh v. Jones, 21 Vt. 378; Williams v. Willard, 23 Vt. 369; Johnson v. Powers, 40 Vt. 611.

The witness who relates the former testimony must give substantially the language used. Woods v. Keyes, 14 Allen, 238; Warren v. Nichols, 6 Metc. 267; Corey v. Janes, 15 Gray, 545; Com. v. Richards, 18 Bick. 434; Yale v. Comstock, 112 Mass. 267.

Anyone who heard the former testimony may give evidence as to what was said. Woods v. Keyes, 14 Allen, 236.

The opinion of Judge Drummond, U. S. district judge for the district of Illinois in the case of the United States v. Moscomb, reported in 5 McLean, page 286, is very much to the point. This opinion was rendered in 1851.

So is the opinion of Justice Bushrod Washington, one of the associate justices of the supreme court of the United States, in the case of United States v. Wood decided in 1818, reported in 3 Washington (U. S.) page 440. This case was decided by him when holding court as circuit justice in the third circuit of Pennsylvania. Following is a brief report of this case:

The prisoner was indicted for robbing the United States mail, putting the life of the carrier in jeopardy by means of a dangerous weapon. Joseph Hare, a witness in the former trial, had died. Another witness now offered to prove what Hare had sworn to at the former trial. This was objected to. Judge Washington's exact language on the question was: "This evidence is admissible, provided the witness can repeat the testimony which Hare gave, and not merely what he conceives to be the substance and effect of it, of which the jury ought alone to be the judge. He may refresh his memory from notes which he took of the evidence at the trial, or from a newspaper printed by himself, containing the evidence of Hare as taken down by the witness, but he must be sure of the accuracy of the statement from his own recollections."

Another case in point, decided by the United States supreme court in 1878 (three years after the trial referred to in the text), was that of Ruch v. Rock Island.

In Yale v. Comstock, 112 Mass. 267, Justice Morton of the Massachusetts supreme court said: "The court found, and it is not disputed, that one of the issues in the former suits was the same as one of the issues in this suit. Brace being dead, his testimony at the former trial upon this issue was competent. It has been held with great strictness in this commonwealth, that the witness called to prove what a deceased witness testified in a former trial must be able to state the language in which the former testimony was given substantially and in all material particulars. Warren v. Nichols, 6 Met. 271."

RAIN-IN-THE-FACE

(*Note 43, pages 145, 163*)

is one of the few surviving leaders among the Indians who were responsible for the Custer tragedy. Sitting Bull, the Sioux medicine-man, the reputed organizer of the Indian forces that lured Custer's command to their death, was killed at his log hut on Grand River, South Dakota, 15 December 1890, while resisting arrest by a detachment of Sioux Indian police. The Indians never told the full truth about the Custer battle, but the real facts about that great mystery of the centennial year are to be made known to the world by the writer. (See "Acknowledgments," page 16.) The truth about this matter has not even been guessed at, is extraordinary in its nature and of most absorbing interest.

CUSTER'S LETTER

(*Note 44, page 152*)

here quoted, was actually written 22 June 1876, just before leaving for the march to what proved to be his last battlefield, 25 June 1876, on the Little Big Horn. Scene I of this Part III is supposed to have occurred about 2 or 3 June. The letter on page 153 is entirely fictitious, and so are some of the incidents recited in connection therewith, yet on the Black Hills expedition in 1874, summary punishment was meted out to more than one deserter with even less formality than the courtmartial referred to in this scene. It was required in order to prevent the soldiers deserting to the gold camps, and to maintain the military authority, without which even the command itself might have been annihilated by Indians.

"I ALONE ESCAPED"

(*Note 45, page 175*)

It is true that a Crow Indian, Curley, a scout with Custer's command, escaped from the battlefield. All that the world now knows about the great tragedy is from Curley's disconnected tale, and from partial and inaccurate statements made by Rain-in-the-Face, Sitting Bull, Chief Gall, and Two Moon. As a matter of fact, Curley fled from the scene so early in the engagement that little credence can be placed in the statements he made a few days after the battle. I have satisfied myself that Curley's remarks then and since about the

battle were quite erroneous. For nearly thirty years this Indian has posed as the only one of Custer's friends who escaped from the fearful tragedy, and he has evidently been sincere in this opinion. Curley now lives on a fine ranch of his own near Crow Agency, Montana, and naturally has become increasingly conceited with advancing years. The portrait is from a photo by D. F. Barry taken in 1886, on the tenth anniversary of the Custer fight.

CURLEY, "I ALONE ESCAPED"